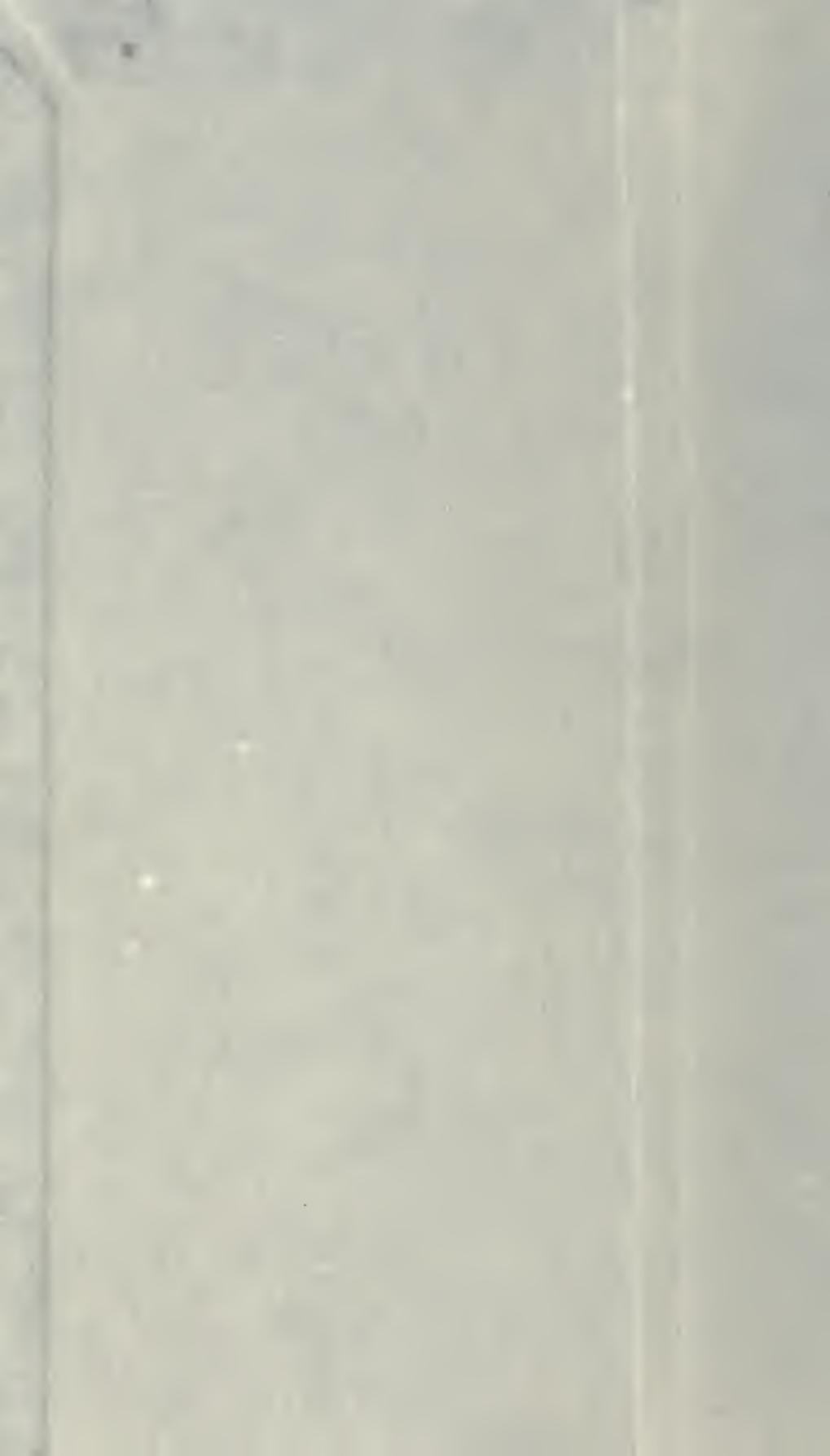


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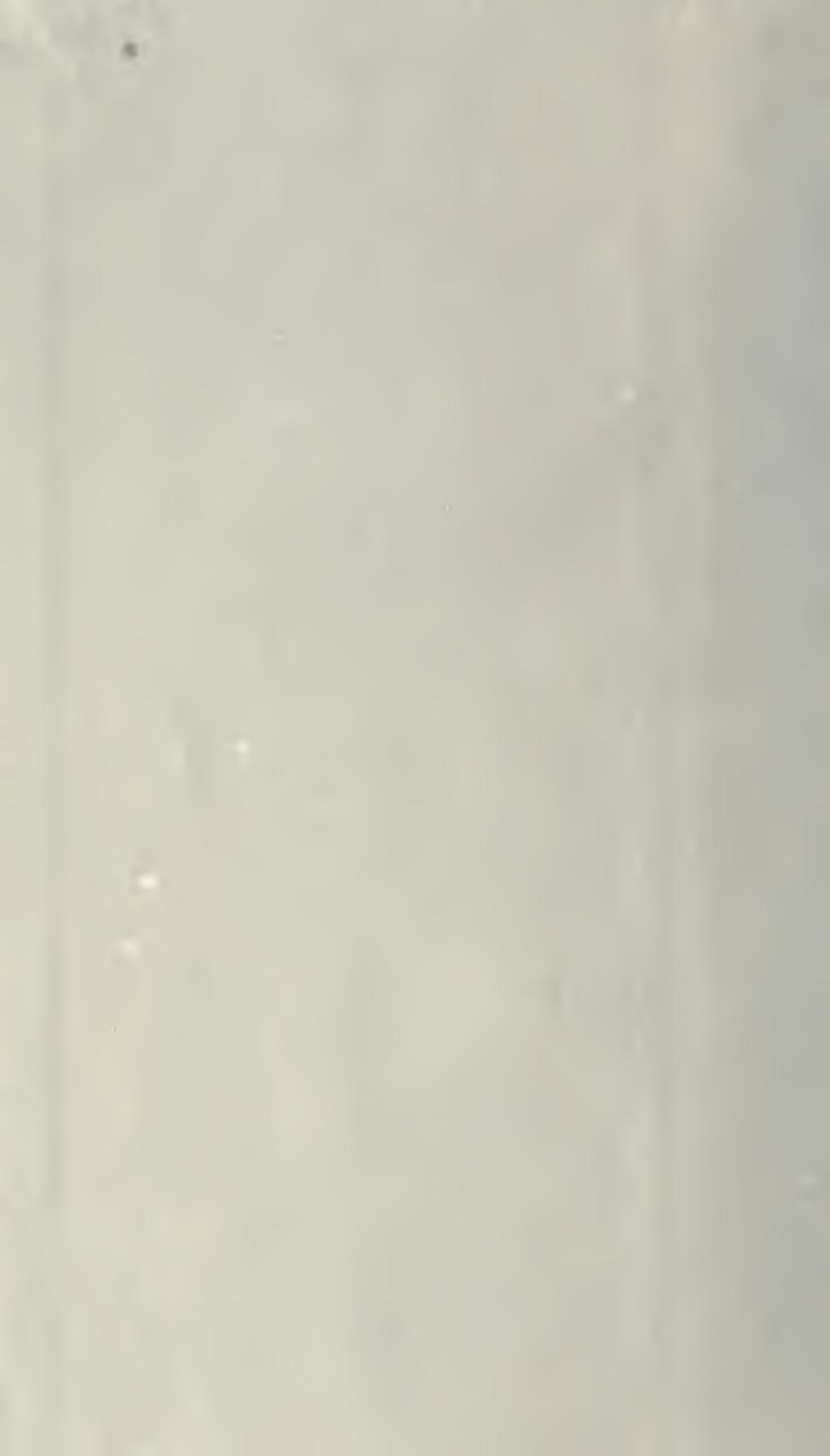
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R E M A R K S

ON THE

OPPOSITION TO THE POOR LAW
AMENDMENT BILL.

SIR
SATUR Senior, Nassau William J

REMARKS

ON THE

OPPOSITION TO THE POOR LAW AMENDMENT BILL.

BY

A GUARDIAN.

"Nemo tam parcus quin prodigus ex alieno."

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R E M A R K S,

&c. &c.

WHEN we consider how much longer the life of a nation is than that of a man ; how much less its fate is influenced by the unknown causes to which we give the name of chance, and with how much nearer an approach to certainty its crimes and follies bring with them their appropriate punishment, we might suppose, if we were unacquainted with history, that nations obtain at least as easily and as certainly as individuals the wisdom that is the result of experience. If a man of ordinary sense has undergone great suffering, and incurred great danger by pursuing a given line of action ; if he has discovered the connexion between his misfortunes and his conduct, and has escaped by a total change of measures, it is not probable that he will soon fall again into the same errors, or even into errors the same in kind. If he finds that the peculation of his agents has reduced him to the verge of ruin, and that their peculation was the result of his own blind confidence, it is probable that he will for the future look narrowly into his affairs. If he has begun the education of his eldest son on a system of over strictness or over indulgence, and has been forced to alter it, it is not probable that he will repeat the same fault with his second son. It is more likely that he will fall into the opposite extreme. Though the wisest

men do not make a full use of their experience, yet even ordinary men are in a great measure governed by it, and those must be absolute fools who utterly neglect it.

But unhappily we should be mistaken if we were to expect from the most civilised nations the practical sense of ordinary men. For twenty years France endured all the miseries of unsuccessful and of successful war. She found every defeat and every triumph lead to fresh burthens and fresh losses. Her ports were deserted, her capital was twice occupied by a victorious enemy, her fields were tilled by old men and women; every parent saw his adult sons carried off by the conscription, in all probability never to be heard of again, and felt that he was rearing their younger brothers only to fit them for a similar fate. While under the actual pressure of these sufferings, France eagerly caught at peace, whatever might be its price. She surrendered colonies, gave up territories and boundaries, submitted to a dynasty that she both hated and despised, engaged to pay a tribute, and even allowed her fortresses to be held as a security.

Twenty-five years after, she was ready to rush into a war against the whole of Europe, a war far more unpromising than that which had pushed her to the very brink of national destruction, not because she was injured or even menaced, but because the signature of a treaty in which she had refused to concur had not been intimated to her with sufficient politeness. The weakest man would have profited by experience better than one of the most civilised nations.

The cause of this lamentable difference between

a nation and a man is, that the experience of a man is personal, that of a nation is in a great measure historical. A man retains his identity. He is the same person at twenty and at sixty. He recollects in advanced age what was his conduct in youth, and what were the advantages and the evils which it occasioned. But the identity of a nation is perpetually changing: every thirty years the conduct of its affairs is in the hands of a new generation, who know only from tradition the fortunes of their predecessors. In the year 1864, how few of those who influenced the affairs of England in 1834, will have any political existence? And how constant will have been the change during the whole intermediate period? How great has it been during the seven years that have elapsed? How great is the number of those, formerly active each in the public business of his own circle, whom death or illness, or indifference, or change of circumstances has removed from the stage? How many have succeeded to them, who, seven years or even five years ago, thought of nothing but their private concerns, their private pleasures, or their private duties?

We have been led into this train of reflection by observing the change which has apparently taken place in public opinion on one of the most important of the subjects on which that opinion is exercised,—the administration of the laws for the relief of the poor.

The desire to relieve distress is one of the most powerful impulses in human nature. It is compounded, as is the case with almost all our strong principles, of several ingredients; of great pain in contemplating

unrelieved suffering, of great pleasure in contemplating the happiness of those who are relieved, even if we take no part in affording the relief, and of still greater pleasure, from the gratitude and veneration of those whom we relieve ourselves. And it may be indulged, like every other impulse, to a mischievous excess. Charity, if excessive or ill-directed, injures the self-respect, the industry, and the providence of the receiver. And even if applied beneficially as respects its object, its amount may be so great in proportion to the means of the giver, as to impair his fortune, and to injure his happiness and usefulness. To each of these evils nature opposes antagonist principles.¹ It opposes to excessive liberality the desire to possess, to enjoy, and to accumulate. It protects us from ill-directed charity, by making our sympathy with want dependent, in a great measure, on our acquaintance with the sufferer. It leads us, therefore, to give aid chiefly to those whom we know, and in proportion to our knowledge of them. Our own relations, our own friends, and our own dependents are the great objects of our bounty: their sufferings give us most pain, their relief and their gratitude give us most pleasure; and our intimate knowledge of their characters, and of the nature and of the causes of their distress, enables us to relieve them in the degree and in the manner least injurious to their independence, their exertion, and their forethought. Such is the force of these antagonist principles, that our charitable feelings, if unassisted by the sanctions of law or of religion, seem likely to err rather from deficiency than from excess.

But they are seldom left so unassisted in Christian, or even in Mahometan countries. Both the Roman Catholic and the Mahometan religion inculcate indiscriminate almsgiving as a religious duty. They consider the mere act of giving as meritorious, without reference to its ultimate influence on the receiver : and in Protestant countries, where wiser notions prevail, the law now generally interferes, and provides that the relief of indigence shall not be left solely to the sympathy implanted in us by nature.

To interfere, however, with the principles given to us by nature ; to remove the obstacles which she has placed in the way of certain lines of conduct, and to substitute for them regulations of our own, is always a most delicate experiment. It can succeed only when the legislator is fully aware of his danger ; when he endeavours to make as little change as possible, and carefully inserts new checks and new barriers in the room of those which he takes away.

It was in this cautious manner that compulsory charity was introduced into England. In the first place, the providing relief was made a parochial charge, and the distributing it a parochial duty. Even now the average population of an English parish does not exceed two hundred families. At the period in question, the sixteenth century, it did not exceed fifty families. With the exception of the short-lived 14 Eliz., cap. 5, all the early Acts vested the assessment and distribution of relief in the hands of the principal householders, persons who must themselves feel the burthen of the rate, and be acquainted with the persons and characters

of the applicants. And secondly, though they no longer left the idler to starve, they substituted for the penalties inflicted by nature, whipping, maiming, burning, chains, slavery ; and on the third, or, in some cases, on the second offence, death. Gradually, however, these violent enactments became obsolete, and a still greater change was effected by the 3 & 4 Wm. & Mary, cap. 11, and the 9 Geo. I. cap. 7, which gave, or were construed to give, to the justices of the peace residing within the parish, or, if there be none there, in the parts next adjoining, the power to order relief, —a power, however, which could not be exercised in favour of a person who refused to be lodged in the workhouse. In the meantime, a further, but in many respects a very mischievous, barrier against pauperism was raised by the law of settlement, which vested in the parochial authorities an almost arbitrary power of removing strangers, and preventing new settlements ; a power most oppressive to the labouring classes, but which created a large class of labourers without legal settlement in the parishes in which they resided, and therefore bound to good conduct under the penalty of removal.

Under this system of parochial administration, subject to the control of the nearest magistrate, supported by a nearly absolute power of removal, and the total absence of any claim to relief, under any circumstances, if the applicant refused to enter the workhouse, the poor laws were administered during nearly the whole of the last century.

There was a great increase of rates, and much local

mismanagement, but no general dissatisfaction or alarm. Agriculture and manufactures improved, our labourers surpassed in diligence and activity those of every other part of Europe, and improved in conduct. Their industry had not been depraved by allowance; their economy had not been punished by the refusal of employment till their savings were spent; they had not been bribed by head-money to improvident marriage; they had not been corrupted by the forced idleness of the gravel pit, or by the illusory labour of the roads; they had not been degraded by being put up to auction, and their services sold to the best bidder; the connexion between them and their employers had not been broken by the roundsman and the billet and the labour-rate system; they had not been taught that they had indefinite claims on the indefinite fund called their parish, to be enforced by an appeal from the farmer to the overseer, from the overseer to the magistrate, and from the magistrate to riot, outrage, and conflagration.

The 43rd of Elizabeth, which pointedly excludes from its provisions the able-bodied and industrious, was still acted on. Relief, in the proper sense of the word, was given only to the impotent. The industrious able-bodied never thought of applying for it. The idle were not, indeed, left to starve, but were treated as vagabonds or disorderly persons, and received support mixed with punishment and forced labour.

The difficult problem, how to afford to the poorer classes adequate relief without material injury to their diligence or their providence, seemed to be solved.

But a very few years showed on how nice a balance of opposing principles this adjustment depended. The first change was, in itself, perfectly right. It was made by the 35 Geo. III., which enacts that no person shall be removed from a parish until he becomes actually chargeable. The previous law was so oppressive, that it seems strange that it should have been so long submitted to.

This was immediately followed by far more serious innovations. In the beginning of the year 1795, war, and the accidents of the seasons, had occasioned a great rise in the price of the necessaries of life. The loyalty of the labouring classes was doubted. Ireland, in a state of incipient rebellion, was menacing on one side, and the example of France was formidable on the other. In the deplorable political ignorance which then prevailed, it was thought that the state had the power, and was liable to the duty, of regulating the wages of labour. In an evil hour the magistrates assumed to exercise this power. We have now before us the scale which, to use their own words, “shows at one view what should be the income of the industrious poor, as settled by the magistrates for the county of Berks at a meeting held at Speenhamland, May the 6th, 1795”—a scale rising from 2*s.* a week, the income thus “settled” for a single woman, when the gallon loaf is at 1*s.*—to 25*s.* a week, the income awarded to a family with seven children when the gallon loaf is at 2*s.** The provisions, however, of the 3 & 4 Wm. and Mary, and of the 9 Geo. I., which confined the jurisdiction to a justice of the peace residing within the parish, or, if none

* Sir F. Eden, vol. i. p. 575.

be there, in the parts next adjoining, and deprived the justice of all jurisdiction, if the workhouse had been tendered to the applicant and refused, stood in the way of this monstrous assumption of magisterial power. It is a lamentable proof of the folly, we had almost said the wickedness, of which able and honest men may be guilty, when they legislate without knowledge and for the purposes of immediate popularity, that it was Mr. Pitt who introduced the 36 Geo. III., cap. 23, the Act by which these remaining barriers were swept away and a flood of pauperism let in, which a few years ago threatened the destruction of property and civilization, and, though now apparently subsiding, might, by a single vote of the House of Commons, be brought back upon us in all its former violence.

That memorable statute recites the clause of the 9 Geo. I. prohibiting relief to those who refused the workhouse, and comments on it in the following words :—

“ And whereas the said provision contained in the Act above-mentioned has been found to have been, and to be, inconvenient and oppressive, inasmuch as it often prevents an *industrious* poor person from receiving such occasional relief as is best suited to the peculiar case of such poor person ; and inasmuch as, in certain cases, it holds out conditions of relief, injurious to the comfort, and domestic situation, and happiness of such poor persons.”

It then repeals the clause in question, and proceeds by the following enactment to vest in the justices of

the peace a discretionary power over the incomes of the whole labouring population.

“ And be it further enacted, that it shall be lawful for any of his Majesty’s justice or justices of the peace for any county, city, town, or place, usually acting in and for the district wherein the same shall be situated, at his or their just and proper discretion, to order relief to any *industrious* poor person; and he shall be entitled to ask and receive such relief at his home, and the overseers are required to obey such order.”

As the 36 Geo. III. was passed in compliance with public opinion, it was not likely that its powers would be left unexercised. In the years of scarcity which followed, an attempt was even made to enable the bulk of the population to continue to consume the same quantity of flour, although the whole quantity produced had diminished. Mr. Maclean* has printed one of the scales published by the Sussex magistrates in 1808, “ showing what sum is required for the relief of the poor so as to enable them to have flour at all times at the same price” [in the same quantity], a scale awarding, at its extreme limit, two guineas a week to a family. There was no reason, however, for its stopping there. If, in a deficient harvest, the bulk of the population were to be supplied with indefinite means of bidding against one another, there was nothing to prevent corn from rising to 10*l.*, or 20*l.*, or 100*l.* a quarter, or relief to 10 guineas or 20 guineas a week.

It was soon seen, however, that the new law might

* Appendix to Poor Law Report, (A.) Part I. p. 546.

be turned to other purposes, less obviously absurd but for that very reason more mischievous. To the magistrates it gave power such as no aristocracy ever before ventured to assume. They sat as mediators between the employers and the employed, that is, between the middle classes and the lower classes, and decided what the one party should pay and the other receive. They could indulge their love of power without appeal, and their benevolence without expense. An active country magistrate in a pauperised district, fond of business, influence, and popularity, the terror of the overseers, and the idol of the labourers for twenty miles round, protected by the law from responsibility and by his own ignorance from doubt, enjoyed a field for the gratification of local ambition and vanity, such as never was given before, and we trust will never be afforded again.

There was much also, strange as it may appear, to reconcile to the new system the employers of labour. It gave them power to treat their labourers not as free contracting parties, but as slaves or domestic animals, fed, not according to the amount of their work, but of their wants. Under a natural system, except in the very rare case of a diminishing population, wages must always equal, they generally exceed, the sum necessary to support a married man with an average family. Under the allowance system and the scale, the wages of the unmarried might be reduced to the minimum of subsistence, and those of the married increased only in proportion to the number of their children, and the difference paid out of the rates.

Again, under a natural system, the employer must pay the wages necessary to the support of his labourers during the whole year. As soon as the parish became the great source of maintenance, he threw them upon it whenever their services ceased to be profitable, and resumed them as soon as they were wanted. It was thus that, in many manufacturing districts, the work-people were almost periodically out of employ, or, if employed, half paid by the parish whenever the manufacturer found prices fall, or stocks accumulate; and fortunes were made by selling goods at a less price than the maintenance of those who fabricated them.* And it was thus that, in agricultural districts, frost or rain, or indeed ordinary winter weather, occasioned the temporary dismissal of more than half the labourers. It is true that the employers themselves paid a portion of the rates, but, in the first place, high rates afforded the farmer a plea for the abatement of rent, and in the second place, the farmer threw part of his wages on the manufacturer, the manufacturer on the farmer, and both conspired to defraud and oppress the tithe-owner, the shopkeeper, and all who employed independent servants. Among the questions circulated by the Commissioners for inquiring into the Administration of the Poor Laws, one was, "What will be the effects of an enactment forbidding the giving to able-bodied labourers in the employ of individuals parish allowance?" The following are samples of the answers:—

* Poor Law Rep. App. (B. 1.) p. 280. App. A. Pt. II. p. 25.

“ WYMONDHAM, NORFOLK.

“ I fear the employers would discharge such men as could not maintain their families without high wages, and employ only single men, and such as have small families, who can do the work cheaper. Thus the former would become a heavy expense to the parish, and *the latter would receive more than is necessary for a maintenance.*”*

“ HAWKHURST, KENT.

“ In this parish, one of the effects of such a measure would be, to shift from the tithe-holder (the lessee of the Dean and Chapter of C. C., Oxon), who exacts a high tithe from the occupiers, a portion of that which he now pays as poor-rate, upon the farmer, in the shape of increased wages.”†

“ BOREHAM, ESSEX.

“ There has been much said upon this subject, which, in my opinion, is very wrong, *as it is quite contrary to reason that any person should pay a man for his work sufficient to support a whole family.*”‡

Even the shopkeepers, though sufferers as a body, often found means, or hoped to find means, as individuals, to indemnify themselves. When so vast a sum as 8,000,000*l.* a year was thrown out to be scrambled for, many obtained and many more expected a share in the spoil. The keepers of low public-houses and of

* App. (B. 1.) p. 330 *d.*

+ App. (B. 1.) p. 249 *d.*

‡ App. (B. 1.) p. 169 *d.*

shops frequented by paupers, found their custom increase. Carpenters and bricklayers found it profitable to run up cottages of which the rent was to be paid by the parish. Jobbing contracts were obtained for the supply of workhouses, and of out-door relief in kind. The whole population of a pauperised district was constantly struggling to cheat that abstract entity, the parish, and those who failed in the contest one year hoped to succeed better in the next. In this lottery, as is almost always the case, though much more was lost than was gained, hope triumphed over experience.

The effects of this unnatural system began soon to show themselves. In 1817, only twenty-one years after the 36 Geo. III. was passed, a committee of the House of Commons reported that, “ Unless some efficacious check were interposed, it would produce the neglect and ruin of the land and the waste or removal of other property, to the utter subversion of that happy order of society so long upheld in these kingdoms.”

No such check was interposed, and the evil, according to the prediction of the Committee, continued to increase. The Commissioners for inquiry into the operation of the Poor Laws made their investigation in the year 1833—only sixteen years after the inquiry made by the Committee of 1817. The following extracts from the Report show the progress made towards “ the neglect and ruin of the land.”

“ Mr. Majendie states, that in Lenham, Kent, at the time of his visit, some of the land was out of cultiva-

“tion. A large estate has been several years in the
“hands of the proprietor, and a farm of 420 acres of
“good land, tithe free and well situated, had just been
“thrown up by the tenant, the poor rate on it amount-
“ing to 300*l.* a-year.* He mentions another place, in
“which a farm well situated, of average quality, was in
“vain offered at 5*s.* an acre, not from objection to the
“quality of the land, but because men of capital will
“not connect themselves with a parish in which the
“poor rates would keep them in a constant state of
“vexation and anxiety.† He states, that in Ardingly,
“those farmers who have any capital left, withdraw
“from the parish as soon as their leases expire. One
“of them admitted to him that it was out of the
“power of the landlord to relieve them.‡

“Mr. Power, after mentioning the universal com-
“plaint in Cambridgeshire, that substantial tenants
“cannot be found at the lowest assignable rents, goes
“on to say, that Mr. Quintin, a gentleman of con-
“siderable landed property in the county, told him
“that he had a farm at Gransden, for which he could
“not get a tenant, even at 5*s.* an acre, though land
“from which thirty bushels of wheat an acre had been
“obtained. ‘Downing College,’ he adds, ‘has a pro-
“perty of 5,000 acres in this county, lying principally
“in the parishes of Tadlow, East Hatley, Croydon,
“and Gamlingay; it is found impossible, notwithstanding
“the lowering the rents to an extreme point, to
“obtain men of substance for tenants. Several farms

* App. (A.) Part I. p. 213.

† Ibid., p. 180.

‡ Ibid., p. 181.

“ of considerable extent have changed hands twice
 “ within the last five years, from insolvency of the
 “ tenants in some cases, in others from the terror of
 “ that prospect. The amount of arrears at this time
 “ is such as only a collegiate body could support. I
 “ draw from authentic sources, being myself a fellow
 “ of the college.* In the same county, Mr. Power
 “ found that at Soham, a total absorption of the value
 “ of the land in twelve or fourteen years was antici-
 “ pated; † and Mr. Cowell, that at Great Shelford the
 “ same result was expected to take place in ten. ‡

“ Mr. Pilkington’s description of several places in
 “ Leicestershire is equally alarming. In Hinkley he
 “ found the poor rate exceeding 1*l.* an acre, and rapidly
 “ increasing, and a general opinion that the day is not
 “ distant when rent must cease altogether. § On visiting
 “ Wigston Magna, in November, 1832, he was informed
 “ that the value of property had fallen one-half since
 “ 1820, and was not saleable even at that reduction. It
 “ does not appear, indeed, that it ought to have sold for
 “ more than two or three years’ purchase, the net rental
 “ not amounting to 4,000*l.* a-year, and the poor rate
 “ expenditure growing at the rate of 1,000*l.* increase in
 “ a single year. And on his return to that neighbour-
 “ hood, three months after, the statement made to him
 “ was that property in land was gone ; that even the
 “ rates could not be collected without regular summons
 “ and judicial sales, and that the present system must
 “ ensure, and very shortly, the total ruin of every indi-
 “ vidual of any property in the parish. || We cannot

* App. (A) Part I. p. 244.

† Ibid., p. 249.

‡ Extracts, p. 384.

App. (A.) Part II.

|| Ibid.

“wonder, after this, at the statement of an eminent
“solicitor at Loughborough, that it is now scarcely
“possible to effect a sale of property in that neigh-
“bourhood at any price.”*

The following answers, taken from a multitude of others of a similar nature, contained in Appendix (B.), are to the same effect:—

“Annual value of the real property, as assessed
“April, 1815, 3,390*l.* Annual value of the real pro-
“perty, as assessed November, 1829, 1,959*l.* 5*s.* It
“has undoubtedly fallen in value since the last valua-
“tion, *i. e.* in the last two years, and the population
“has been more than trebled in thirty years: 1801,
“630; 1811, 707; 1821, 897; 1831, 938; and that
“in spite of an emigration of considerable amount, at
“the parish expense, in 1829. *The eighteen-penny*
“*children will eat up this parish in ten years more,*
“*unless some relief be afforded us.*”†

“If some material change does not very soon take
“place, the time is not far distant when the whole
“rent will be absorbed in the poor’s rates.”‡

“Much land in the hands of proprietors wanting
“tenants. Our poor’s rate being high, makes *farms*
“*in other parishes more desirable than in this.*”§

“In the adjoining parish, the owners of untenanted
“farms, who are not farmers, fear to occupy, and
“prefer the loss of rent to the unlimited expense in poor

* App. (A.) Part II.

† App. (B. I.) Quest. 36. Westfield, Sussex, p. 531 *e.*

‡ Ibid. Gillingham, Kent, p. 245 *c.*

§ Ibid. Minster, Kent, p. 255 *c.*

“rate which would overwhelm the profits of one not
“perfectly experienced in farming, and the parochial
“concerns it involves.”*

“In the neighbourhood of Aylesbury, there were
“forty-two farms untenanted at Michaelmas last ;
“most of these are still on the proprietors’ hands ; and
“on some, no acts of husbandry have been done since,
“in order to avoid the payment of poor rate. I attri-
“bute these circumstances principally to the operation
“of the poor laws.”†

“In the parish of Thornborough, Bucks, there are
“at this time 600 acres of land unoccupied, and the
“greater part of the other tenants have given notice of
“their intention to quit their farms, owing entirely to
“the increasing burthen of the poor’s rate.”‡

In the meantime, as a generation educated in pauperism grew to manhood, a new and still more alarming symptom showed itself, the demoralization of the labouring classes.

“The labourer under the existing system,” say the Commissioners of Inquiry, p. 57, “need not bestir himself to seek work ; he need not study to please his master ; he need not put any restraint upon his temper ; he need not ask relief as a favour. He has all a slave’s security for subsistence, without his liability to punishment. As a single man, indeed, his income does not exceed a bare subsistence ; but he has only to marry, and it increases. Even then it is unequal to

* App. (B. 1.) Quest. 36. Adstock, Bucks, p. 30 c.

† Ibid. Sherrington, Bucks, p. 43 c.

‡ Sir Thos. Cotton Sheppard, App. (C.) Report, p. 65-66.

“the support of a family ; but it rises on the birth of
“every child. If his family is numerous, the parish
“becomes his principal paymaster ; for, small as the
“usual allowance of 2s. a-head may be, yet, when there
“are more than three children, it generally exceeds the
“average wages given in a pauperized district. A man
“with a wife and six children, entitled, according to
“the scale, to have his wages made up to 16s. a-week,
“in a parish where the wages paid by individuals do not
“exceed 10s. or 12s., is almost an irresponsible being.
“All the other classes of society are exposed to the
“vicissitudes of hope and fear ; he alone has nothing
“to lose or to gain.

“In Coggeshall, Essex,” says Mr. Majendie, “weekly
“wages are 8s. ; but by piecework a good labourer may
“earn 10s. Now, consider the case of labourers with
“four children, for the subsistence of which family,
“(according to the Chelmsford scale, which is the law
“of that district,) 11s. 6d. is required. Of this sum
“the good labourer earns 10s., and receives from the
“parish 1s. 6d. The inferior labourer earns 8s., and
“receives from the parish 3s. 6d. The man who does
“not work, and whom no one will employ, receives
“the whole from the parish.”*

“Other classes of society are restrained from miscon-

* App. (A.) Part I. p. 230. The following fact may serve to show the operation of the Poor Law Amendment Act in this district. At a late election of a relieving officer for the Wandsworth and Clapham union, one candidate stated that he had been formerly in business as a brewer and maltster near Coggeshall. He was asked why he had given up trade ; his reply was, that his business had been ruined by the Poor Law Amendment Act, *the trade of the beer-shops having decreased most materially after that statute was brought into operation.*

“ duct by fear of the evils which may result to their
 “ families. Parochial legislation rejects this sanction.
 “ Even in Barnard Castle, in Northumberland, Mr.
 “ Wilson states, that if any remonstrance is made on
 “ account of the applicant’s bad character, the reply of
 “ the magistrate commonly is, ‘ the children must not
 “ suffer for it.’ ”*

“The following answers are specimens of the feeling
 “and conduct in the southern districts :—

“ The answer given by the magistrates, when a
 “ man’s bad conduct is urged by the overseer against his
 “ relief, is, ‘ We cannot help that ; his wife and family
 “ are not to suffer because the man has done wrong.’ ”†

“ Too frequently petty thieving, drunkenness, or im-
 “ pertinence to a master, throw able-bodied labourers,
 “ perhaps with large families, on the parish funds, when
 “ relief is demanded as a right, and, if refused, enforced
 “ by a magistrate’s order, without reference to the cause
 “ which has produced his distress, viz., his own miscon-
 “ duct, which remains as a barrier to his obtaining any
 “ fresh situation, and leaves him a dead weight upon
 “ the honesty and industry of his parish.” ‡

Mr. Stuart states, that in Suffolk, children deserted
 by their parents are in general well taken care of,
 and that the crime of deserting them is largely en-
 couraged by the certainty that the parish must sup-
 port the family. §

“ When I was present,” he adds, “at the committee

* App. (A.) Part I. p. 143.

† App. (B. 1.) Question 26, Easton, Southampton, p. 419 b.

‡ Ibid. 43, Castle Donington, Leicester, p. 280 d.

§ App. (A.) Part I. p. 334.

“ of the Bulchamp House of Industry, early in October,
“ a man came with four children, and applied to have
“ them admitted into the house during his absence at
“ the herring fishing. He was a widower. He had
“ earned the high wages of the harvest month, and be-
“ sides had work afterwards ; yet he had made no pro-
“ vision for the support of his family while he went to
“ the fishing, neither would he undertake to reimburse
“ the parish out of his wages for the expense to be
“ incurred during his absence. The committee offered
“ to take charge of two, and that he should provide for
“ the others. This he refused, *and next day he left*
“ *all his children to the parish.*

“ The whole charge on the parish of Tressingfield,
“ within the year preceding the 26th September, was
“ 77*l.* 3*s.* 6*d.* for deserted families.

“ At the sessions of Framlingham, a man was
“ brought up, who had left his wife and family charge-
“ able, to avoid an order for a bastard child. On the
“ intercession of the parish officers, his confinement was
“ limited to a fortnight ; but it was impossible not to
“ observe that the lenity of the parish was called forth
“ entirely with a view to save it from additional ex-
“ pense, by keeping him the shortest possible time away
“ from his family.”

“ Even the inconvenience which might fall on the
“ husband by the punishment of his wife for theft is
“ made the subject of pecuniary compensation at the ex-
“ pense of the injured parish. Under what other sys-
“ tem could there be a judicial instrument concluding
“ thus :—

“ And whereas it appears to us that the wife of

“ the said Robert Reed is now confined in the house of
“ correction at Cambridge, and that he is put to con-
“ siderable expense in providing a person to look after
“ his said five children : we do therefore *order* the
“ churchwardens and overseers of the poor of the said
“ parish, or such of them to whom these presents shall
“ come, to pay unto the said Robert Reed the sum of
“ 11*s.* weekly and every week, for and towards the sup-
“ port and maintenance of himself and family, for one
“ month from the day of the date hereof.

“ Given under our hands and seals this twentieth
“ day of February, in the year of our Lord one thou-
“ sand eight hundred and thirty-three.”*

“ It appears to the pauper that the Government has
“ undertaken to repeal, in his favour, the ordinary laws
“ of nature ; to enact that the children shall not suffer
“ for the misconduct of their parents—the wife for
“ that of the husband, or the husband for that of the
“ wife : that no one shall lose the means of comfortable
“ subsistence, whatever be his indolence, prodigality,
“ or vice : in short, that the penalty which, after all,
“ must be paid by some one for idleness and impro-
“ vidence, is to fall, not on the guilty person or on his
“ family, but on the proprietors of the lands and
“ houses encumbered by his settlement.

“ Piece-work is refused to the single man, or to the
“ married man if he have any property, because they
“ can exist on day wages ; it is refused to the active
“ and intelligent labourer, because he would earn too

* “ See the whole of this transaction stated in a letter from the over-
“ seer of Royston, Extracts, p. 383 ; the answer of the magistrates,
“ App. (A.) Part I. p. 652 ; and the reply of the overseer, App. (A.)
“ Part 1. p. 674.”

“ much. The enterprising man, who has fled from the
“ tyranny and pauperism of his parish to some place
“ where there is a demand and a reward for his services,
“ is driven from a situation which suits him, and an
“ employer to whom he is attached, by a labour-rate or
“ or some other device against non-parishioners, and
“ forced back to his settlement to receive as alms a por-
“ tion only of what he was obtaining by his own exer-
“ tions. He is driven from a place where he was
“ earning, as a free labourer, 12*s.* or 14*s.* a week, and is
“ offered road-work as a pauper at sixpence a day,
“ perhaps to be put up by the parish authorities to
“ auction, and sold to the farmer who will take him at
“ the lowest allowance.

“ Can we wonder if the labourer abandons virtues of
“ which this is the reward? If he gives up the economy
“ in return for which he has been proscribed, the dili-
“ gence for which he has been condemned to involun-
“ tary idleness, and the prudence, if it can be called such,
“ which diminishes his means just as much as it di-
“ minishes his wants? Can we wonder if, smarting
“ under these oppressions, he considers the law, and all
“ who administer the law, as his enemies, the fair ob-
“ jects of his fraud or his violence? Can we wonder if,
“ to increase his income, and to revenge himself on the
“ parish, he marries, and thus helps to increase that
“ local over-population which is gradually eating away
“ the fund out of which he and all the other labourers
“ of the parish are to be maintained?” *

Even the domestic affections, the most enduring principles of human nature, principles which prevail

* Report, p. 57, 58, 59, 60.

even among the miseries and degradation of savage life, could not survive the contamination of pauperism.

'At the time of my journey,' says Mr. Cowell, 'the acquaintance I had with the practical operation of the Poor Laws led me to suppose that the pressure of the sum annually raised upon the rate-payers, and its progressive increase, constituted the main inconvenience of the Poor Law system. The experience of a very few weeks served to convince me that this evil, however great, sinks into insignificance when compared with the dreadful effects which the system produces on the morals and happiness of the lower orders. It is as difficult to convey to the mind of the reader a true and faithful impression of the intensity and malignancy of the evil in this point of view, as it is by any description, however vivid, to give an adequate idea of the horrors of a shipwreck or a pestilence. A person must converse with paupers—must enter work-houses, and examine the inmates—must attend at the parish pay-table, before he can form a just conception of the moral debasement which is the offspring of the present system; he must hear the pauper threaten to abandon his wife and family unless more money is allowed him—threaten to abandon an aged, bed-ridden mother, to turn her out of his house and lay her down at the overseer's door, unless he is paid for giving her shelter; he must hear parents threatening to follow the same course with regard to their sick children; he must see mothers coming to receive the reward of their daughters' ignominy, and witness women in cottages quietly pointing out, without even the question being asked, which are their children by

"their husband, and which by other men previous to "marriage; and when he finds that he can scarcely step "into a town or parish in any county without meeting "with some instance or other of this character, he will "no longer consider the pecuniary pressure on the "rate-payer as the first in the class of evils which the "Poor Laws have entailed upon the community."*

To suppose that a population thus demoralized, without industry, economy, responsibility, or social affection, possessing a claim, undefined, or defined only by "the just and proper discretion of the magistrate," on the property of the community, trained by the magistrates to contest with the parochial authorities and accustomed to victory,—to suppose that such a population could remain tranquil was to neglect all the warnings of history. Those who in 1788 slept over the volcano of France were not blinder than those who, in 1829, felt secure amidst the pauperism of England. How the outbreak would take place was doubtful; all that was certain was that the existing system, if left to itself, must produce a convulsion which, in the words of the committee of 1817, would "utterly subvert the happy order of society so long "upheld in these kingdoms."

Fortunately the first outbreak was partial, and more menacing than destructive. We need not detail events so recent as the fires and outrages of 1830 and 1831, which, beginning in the pauperised districts of Kent and Sussex, extended over Hampshire, Wiltshire, Cambridgeshire, Essex, Suffolk, in short wherever head money allowance and parish employment

* App. (A.) Part I. p. 583.

attracted them. Partly by force, but far more generally by concession, the first paroxysm was got over: but the following extracts from the evidence collected by the Commissioners of Inquiry in 1833, show how wide and how permanent were the effects of that successful insurrection.

“In the rape of Hastings,” says Mr. Majendie, “the assistant-overseers are reluctant to make complaints for neglect of work, lest they should become marked men and their lives rendered uncomfortable or even unsafe. Farmers permit their labourers to receive relief, founded on a calculation of a rate of wages lower than that actually paid: they are unwilling to put themselves in collision with the labourers, and will not give an account of earnings, or, if they do, beg that their names may not be mentioned. A similar feeling prevails in East Kent: at Westwell, “the farmers are afraid to express, at vestry meetings, their opinions against a pauper who applies for relief, “for fear their premises should be set fire to. Two of the fires immediately followed such a resistance; one of them happened to a most respectable farmer, a kind and liberal master, and a promoter of cottage allotments.”*

“In Rye, the labourers demand relief to a much greater extent than previously: they have become more licentious in their moral conduct, and urge the demand on the parish for relief as a right, saying, ‘If you do not relieve us, we shall help ourselves.’ In Nov. 1831, a celebration of the anniversary of the rising of the preceding year was announced by placards.†

* Extracts, p. 27.

† Ibid. p. 28.

“ In Brede, the rates continue at an enormous amount. The overseer says much of the relief is altogether unnecessary ; but he is convinced that if an abatement was attempted, his life would not be safe. He looks to the farmers for support, which they dare not give, considering their lives and property would be in danger, although they find that it is impossible to maintain the present wages, together with the present relief and surplus labourers, without the exhaustion of capital.

“ The population of this parish seems superabundant ; 35 men are on parish employ in winter, at an expense of 380*l.** ”

“ In Surrey,” says Mr. Maclean, “ the inclination to outrage still exists, and the word ‘ fires,’ or allusion to the occurrences of 1830-31, is in the mouths of all classes, either for the purpose of producing intimidation or indicative of alarm.” †

“ I found in Cambridgeshire,” says Mr. Power, “ and it is not to be wondered at, that the apprehension of this dreadful and easily perpetrated mischief (fire) has very generally affected the minds of the rural parish officers of this county, making the power of the paupers over the funds provided for their relief almost absolute, as regards any discretion on the part of the overseer.” ‡

“ The overseers,” says Mr. Stuart, in his report from Suffolk, “ live in constant terror of having the threats of violence, which are uttered against them by the discontented, carried into execution. The destruction

* Extracts, p. 32.

† Ibid., p. 62.

‡ Ibid., p. 188.

"of property by fire has now become so common, that
"where men want resolution to be the ministers of
"their own vengeance, wretches are to be found who,
"for a trifling reward, will execute it for them. The
"insurance offices have been obliged to use extreme
"caution in insuring the property of any one who has
"once suffered from fire, as it is evident that he must, in
"some way, have made himself obnoxious. Cases are
"to be met with, where a farmer has been unable to
"renew his insurance. In consequence of this melan-
"choly state of society in those parts of the country
"where fires have been frequent, instead of the well-
"stocked farm-yard, the farmer is obliged, in prudence,
"to place his stacks at a sufficient distance to prevent
"the fire from communicating, in order to diminish the
"loss to which every one is exposed."*

✓ It was while the rebellion of the autumn and winter of 1830-31 was raging that power passed into the strong hands of the Grey ministry. Among their many tasks, the most urgent, the most difficult, and the most dangerous, was the amendment of the poor laws.

The merit of having suggested the appointment of a Commission for the purposes of investigating the extent and the causes of the existing evils, and of devising remedies (at that time an unusual proceeding), belongs to Mr. Hyde Villiers, a remarkable member of a remarkable family, a statesman, whose early death was a public calamity which it is not easy to exaggerate. The merit of having embraced and improved this sug-

* App. (A.) Part I. p. 350—381.

gestion, and of having carried it out, belongs to Lord Brougham. To him we owe an administrative invention which has increased ten-fold the efficiency of commissions, the dividing the commissioners into a central board, and itinerant assistants, the duty of the latter being to collect facts and opinions, that of the former to direct the inquiry, to digest the information and to frame remedial measures founded on the evidence collected by their assistants. Lord Brougham selected the central commissioners, with a total absence of party feeling; and with equal wisdom and forbearance he intrusted them with the appointment of their assistants, and with the whole regulation of their proceeding.

We will not detain our readers by a statement of the proceedings of the commissioners, or by a lengthened analysis of so well known a document as their Report.

Its most material propositions were:—

First, that the fund, which the 43d of Elizabeth directed to be employed in setting to work children and persons capable of labour, but using no daily trade, and in the necessary relief of the impotent, was applied to purposes opposed to the letter, and still more to the spirit of that law, and destructive to the morals of the most numerous class, and to the welfare of all.

Secondly, that it was not advisable to attempt to revert to the 43d of Elizabeth and to exclude from relief the able-bodied labourer using a daily trade, but professing to be unable to obtain wages adequate to his own maintenance and that of his family.

Thirdly, that, to interpose some check to the claims

of idleness, improvidence, profligacy, and rapacity, the situation of the independent labourer must be rendered less eligible than that of the pauper.

In effecting the last proposal lay the practical difficulty. In the first place, it was necessary to get rid of the allowance system—the system under which relief and wages were blended into one sum, the labourer was left without motive to industry, frugality, or good conduct, and the employer was forced, by the competition of those around him, to reduce wages, which came exclusively from his own pocket, and increase allowance, to which his neighbours contributed.

Supposing this deep and widely extended evil to be extirpated, and the poorer classes to be divided into two marked portions,—independent labourers supported by wages, and paupers supported by relief,—there appeared to be only three modes by which the situation of the pauper could be rendered the less attractive.

First, by giving to the pauper an inferior supply of the necessaries of life, by giving him worse food, worse clothing, and worse lodging than he could have obtained from the average wages of his labour. This was the system of our ancestors. The 1 Ed. VI. cap. 3, enacts, that “any able-bodied person who does not offer to serve, even for meat and drink if nothing more is to be obtained” (in modern language, “who throws himself out of work”), “shall be fed on bread and water, and refuse meat, and forced to work by beating, chaining, or otherwise.” Violence such as this could of course be proposed only in a semi-barbarous society: but even the principle on which it proceeded could not

now be enforced in England. The material comforts of the labourer, in a great part of England, and particularly in most of the pauperized districts, though superior to those enjoyed on the Continent of Europe, are yet too low to admit any forced reduction. We fear that they are often insufficient to maintain a family in full health and strength. But if the public take the entire charge of an individual, the public must supply him with the full means of healthy existence ; and in an English climate, and with English habits, this cannot be effected unless he obtain the necessities of life in a degree at least as ample as that in which they are found in a south of England cottage.

A second mode is to require from the applicant for relief, toil more severe or more irksome than that endured by the independent labourer. But in the first place this requires constant and vigilant superintendence. In the second place, if uniform tasks be imposed, they will be too light for the strong, or too heavy for the weak. And if they are attempted to be proportioned to the powers of each applicant, mistakes must be frequent, even on the part of the most careful and judicious taskmaster, and continual, under negligent administration. And thirdly, though it is easy to find labour which shall be irksome to the artizan, it is almost impossible to find the rural pauper work more disagreeable than the toil and exposure to which he is accustomed. Experience has shown that, excepting in a few well managed towns, parish labour is scarcely more than nominal.

The third mode is, to a certain degree, a combination of the two others, avoiding their defects. It is

to require the man who demands to be supported by the industry and frugality of others to enter an abode provided for him by the public, where all the necessaries of life are amply provided, but excitement and mere amusement are excluded—an abode where he is better lodged, better clothed, and more healthily fed than he would be in his own cottage, but is deprived of beer, tobacco, and spirits—is forced to submit to habits of order and cleanliness—is separated from his usual associates and his usual pastimes, and is subject to labour, monotonous and uninteresting. This is the workhouse system. Wherever it had been adopted, the Commissioners found the rates low, wages high, the labourer industrious and frugal, and the workhouse itself, though open to every parishioner, tenanted only by the aged and the impotent.

✓ This, therefore, was the mode in which the Commissioners proposed that the able-bodied should be relieved. And their first recommendation was that, “Except as to medical attendance, all relief to the able-bodied, or their families, except in well regulated workhouses, should be declared unlawful, and should cease universally in two years, and, as respects new applicants, at an earlier period.”*

But a well regulated workhouse implies superintendence and classification. The aged, the children, the able-bodied women and the able-bodied men, must each be kept separate, and require for their management persons of different qualifications. Of the 15,535 parishes in England and Wales, 12,034 contain each, according to the last enumeration, a population of less

* Report, p. 297.

than 150 families, and more than half of this number, that is to say, 6,681 parishes, contain each a population of less than forty families. In such small communities, neither the requisite buildings nor the requisite superintendence could be obtained, except at an enormous relative cost ; a cost which no House of Commons would have ventured to impose on its constituents, even if they had been able to bear it. The Commissioners therefore had recourse to the obvious expedient of recommending that parishes should be united, for the purposes of workhouse management, and of appointing and paying permanent officers, each parish paying towards the general establishment, in proportion to the average expense of its own poor, and paying separately for the food and clothing of its own paupers.

The admission of these two principles necessarily implied a third, namely, a general power of control. If the provisions of the 43rd of Elizabeth had been adhered to, or if it had been possible and advisable to revert to them, the administration of relief might have been left to the local authorities. While the industrious poor were excluded from public charity ; while that charity was confined to the impotent, and to those using no ordinary and daily trade of life, the objects of relief formed a small minority, from whose favour nothing was to be gained, and from whose discontent nothing was to be feared. The funds applicable to their relief, even if that relief were somewhat extravagant, were too small to allow much profit to the administrators, and profusion, while it was not fostered by corrupt motives, was repressed by

the interests of the contributors, few in number, and aware of all that was taking place. But if relief was to be accessible to the whole labouring population ; if, as the commissioners proposed, the workhouse doors were to be thrown open to all who chose to enter into them and to conform to the regulations, and these workhouses were to be managed by aggregations of parishes, each union regulating without control its own establishments, it was clear that the most demoralizing jobbing and mismanagement must follow.

The experiment indeed has been tried for centuries. The excellent work of M. Naville “*Sur la Charité légale*,” contains scarcely anything but narratives of the foundation and ruin of the workhouse system in every part of Europe, when left, as it always and every where was, until the Poor Law Amendment Act was passed, to local management. An eminent writer has admirably accounted for its failure —

“ We find,” says Bishop Copleston, “ that the effect of “ workhouses in the first thirty years of the eighteenth “ century was considerable. Sir F. Eden has given “ several very instructive cases, particularly those of “ St. Andrew’s Holborn, Chertsey, St. Paul’s Bedford, “ Hemel Hempsted, Hertfordshire, Maidstone, Chat- “ ham, Tunbridge, St. Martin’s Leicester, Bristol, and “ many others. The similarity of these cases, in dis- “ tricts of widely different character, is striking.

“ In all of them a great reduction of the annual “ charge of the poor appears to have been effected “ during the first four or five years. After that, whether “ the administration became more negligent, or the

“ terror which they first created and which greatly reduced the number of paupers had begun to abate, certain it is that these institutions soon became very unproductive, and the poor rate again crept on till it equalled or exceeded its former amount. Nothing indeed is more natural than such a history of human establishments. They spring out of some strong necessity, or some prevailing opinions of the age. They are nursed with care in their infancy and actively superintended by some benevolent and patriotic men ; and while the zeal lasts, while the authors of them are flattered with observing their success, and are enabled to point to the fruits of their own exertions, no symptoms of decay appear. *But a life so precarious is shorter even than the life of man ; it is com-* mensurate not with the existence, but with the activity only and the perseverance of individuals, and seldom lives in full vigour through half a generation. Before the year 1776, the rates had risen in most places to three times their amount after the workhouse system was established. Great allowance is certainly to be made for the change of prices, that of wheat more especially, and for the increase of population from five millions and a half, as it is supposed, to seven millions and a half within the space of fifty years : but theory never perhaps was verified so promptly and unequivocally by practice, as in the early declension of these institutions, and in their utter inefficiency when left to themselves, or, which is nearly the same thing, to any body of rules however wisely framed.”—*Second Letter to the Right Hon. Sir R. Peel*, p. 75.

Bishop Copleston has dwelt only on the negative faults of unsuperintended workhouses. We believe, however, that they are inefficient only for the production of good. We believe that a workhouse corruptly or merely negligently administered, breeding an hereditary workhouse population, constantly increased by the influx of the idle and of the improvident, and of the profligate whenever vice ceases to be profitable, is an institution with powers of evil second only, if it be second, to a corrupt system of out-door relief.

If, therefore, this had been the termination of the report,—if it had merely recommended the formation of unions, the discontinuance of allowance, and the distribution of relief to the able-bodied and their families in workhouses, and had laid down for the management of these institutions the wisest rules that could be framed, and its recommendations had been embodied in an act of parliament,—we believe that this experiment would have had the fate of every previous similar attempt; that it would have produced partial and temporary good, to be followed by a recurrence of the former evils, perhaps in an altered, but probably not in a mitigated, form.

As the keystone of their work, therefore, the commissioners recommended the appointment of a Central Board, with such assistant commissioners as might be found requisite, and that the Central Board should gradually introduce the new system, and lay down rules for all its details, and superintend and enforce their observance.

The Government acted on the recommendations of

the report with equal caution and vigour. The commissioners were directed to turn their recommendations into a bill. The general outline of the proposed measure was then discussed between the whole cabinet and two of the commissioners. A committee of the cabinet was then formed, consisting of the Duke of Richmond, Lord Ripon, Sir James Graham, Lord Althorp, Lord Melbourne, Lord Lansdowne and Lord John Russell, which met several times a week, and went over with one of the commissioners every clause, indeed every word of the bill ; struck out many clauses, introduced many others, and made some change in almost every one. We have seen a copy of the original draft of the bill, with the changes made by the committee of the cabinet. It fills three folio volumes.

The bill thus carefully elaborated was laid on the table of the House of Commons on the 18th April, 1834,—just two months from the date of the report. It differs from the recommendations of the report chiefly in two respects : the substitution of Unions for parishes in the management of the poor and the distribution of relief, and the almost total exclusion of the appeal to magistrates.

The report recommends that the Central Board should have power to incorporate parishes only for workhouse purposes, for the appointment and payment of permanent officers, and for the execution of public labour. And although it states strongly the mischiefs which had arisen from magisterial interference, it does not contain a single direct proposal for depriv-

ing the magistrates of their jurisdiction. It recommends that the Central Board should have power to control the administration of the poor laws, but seems to suppose that, subject to that control, the magistrates should retain the power of ordering relief.

But on further examination, it appeared that, with the exception of a very few, which contained a population sufficient to provide good accommodation in classified workhouses, all the parishes in England and Wales must become parts of a Union for workhouse purposes, since they all were liable to have to relieve the able-bodied; and the able-bodied were to be relieved only in the workhouse. If they were united for workhouse purposes, it was clear that it would be advisable to unite them also for the purpose of appointing and paying permanent officers, since it was by that means only that they could obtain the services of well qualified men. And when once a congregation of parishes had their workhouses and their officers in common, they must be enabled to appoint a common authority to manage those workhouses, and appoint, pay, and direct those officers. But these powers in fact involved nearly the whole administration of relief, except the assessment and collection of the rate. The bill therefore, after enabling the Commissioners to unite parishes, enacted that, where any parishes should be so united, a Board of Guardians for such Union should be chosen by the owners and occupiers, the resident magistrates being *ex officio* guardians, and the workhouses of such Union should be governed and the relief of

the poor in such Union should be administered by such board of guardians ; and it enabled the Commissioners to determine the number and prescribe the duties of the guardians. It further enabled the Commissioners to give a similar organization to any parish which they should not think fit to incorporate in any Union.

It directed that no guardian should act except as a member and at a meeting of the Board, and that no act of the Board should be valid unless three members should be present and concur therein. And it further enacted that the relief of the poor in any parish under the government of a Board of Guardians should (subject to the control of the Commissioners) belong exclusively to the Guardians, and that no further or other relief should be given from the poor rate, in any such parish, than such as should be ordered by such guardians.

To this clause, in its progress through Parliament, was added an exception of cases of sudden and urgent necessity, in which cases the overseer was required to give temporary relief in articles of absolute necessity, but not in money ; and in case of his refusal, any justice of the peace was empowered to order temporary relief in such articles to persons not settled or usually residing in the parish, and to order medical relief only to any parishioner or out-parishioner when required by sudden and dangerous illness. A further clause was inserted in the House of Lords, enabling two justices of the peace to order out-door relief to a person whom

one of them should testify of his own knowledge to be wholly unable to work.

This was nearly a complete change of the previous administration of the Poor Laws. The previous law, as acted on, vested the distribution of relief in the overseers appointed by the magistrates, assisted, and in some measure directed, by the vestry, under the final and irresistible control of the magistrates. A worse chosen set of authorities never existed.

The Commissioners of Inquiry had well described the overseers as “ Functionaries almost always reluctant, unless indeed when their object is fraud ; who neither come to their office with knowledge, nor retain it long enough to acquire knowledge ; who have little time, and still less motive, for attention to its duties ; on whom every temptation to misconduct has been accumulated ; who have to give or to refuse public money to their own workmen, dependents, customers, debtors, relations, friends, and neighbours ; who are exposed to every form of solicitation and threat ; who are rewarded for profusion by ease and popularity, and punished for economy, by labour, odium, and danger.”*

Of vestries, the Commissioners reported that “ They form the most irresponsible bodies that ever were intrusted with the performance of public duties, or the distribution of public money. They render no account ; no record need be kept of the names of the persons present, or of their speeches or their votes ; they are not amenable to any tribunal, whatever be

* 1 Report p. 104.

“ the profusion or malversation which they have sanctioned, or ordered, or turned to their own advantage. “ On the other hand, they have all the motives for mal-administration which we have ascribed to the overseers. Each vestryman, so far as he is an immediate employer of labour, is interested in keeping down the rate of wages, and in throwing part of their payment on others, and, above all, on the principal object of parochial fraud, the tithe-owner. If he is the owner of cottages, he endeavours to get their rent paid by the parish ; if he keeps a shop, he struggles to get allowance for his customers or debtors ; if he deals in articles used in the workhouse, he tries to increase the workhouse consumption ; if he is in humble circumstances, his own relations or friends may be among the applicants, and, since the unhappy events of 1830, he feels that any attempt to reduce the parochial expenditure may endanger his property and person.” *

And with respect to the magistrates, they said, and there never was a verdict in which the whole country more thoroughly concurred, “ That they had exercised the powers delegated to them by the poor laws neither wisely nor beneficially, and that the mischief which they had done was, in part, the necessary consequence of their social position and of the jurisdiction which was confided to them, and in part arose from errors respecting the nature of pauperism and relief which prevailed among all classes at the time when the allowance system and the scale were first introduced, and appear still to prevail among the majority.

* Report, p. 101.

"Under the influence of such opinions," add the Commissioners, "even good intentions may become mischievous. *A more dangerous instrument cannot be conceived than a public officer, supported and impelled by benevolent sympathies, armed with power from which there is no appeal, and misapprehending the consequences of its exercise.*" *

For these ill-constituted authorities the bill substituted paid officers, elective and *ex officio* guardians, and central and assistant Commissioners. It secured the efficiency of the officers and Commissioners, by making the distribution of relief by the former, and the control over it by the latter, their respective, regular, and professional business. And it provided, as far as it was possible, for the fitness of the guardians, by enabling the Commissioners to fix their qualification, and by directing a mode of election under which the principal influence is given to the most respectable occupiers and owners.

Nor did the framers of the bill reject the aid of the magistracy, though well aware of the utter failure of every previous attempt to render their interference useful or even innocent. But they changed the nature of their authority. From officers without jurisdiction until appealed to, the Bill converted them into members, and, from their position, necessarily the most influential members of the Boards of Guardians. From judges, it converted them into administrators. It enabled them to bring forward, and to carry out their

* Report, p. 151.

own schemes of improvement, instead of remaining passive spectators or mischievous opposers of the improvements made by others.

It might have been supposed that a Bill which introduced the new principle of centralization ; which, while it destroyed abuses, destroyed the influence and the profit which those abuses gave to individuals; which deprived the rural aristocracy of the chief element of their power, and the local authorities in towns of their principal means of corruption and peculation ; which altered the social system of every parish in England,—it might have been supposed that such a Bill would have met with determined resistance from all those classes and individuals, whose power, or whose profit it affected, or might be expected to affect. And such, we believe, was the expectation of the government. We believe that they anticipated much opposition from their friends, as well as from their enemies. But they felt, to use the expressions attributed to one of the ablest members of the committee of the cabinet, “That “in such a matter it was their duty to Parliament and “to the country, to propose whatever they thought “right, without trusting themselves to be influenced by “any fears of failure,—and if the measure were rejected, “to let the two Houses have the disgrace and the re-“sponsibility, not the Government.”

This magnanimous policy was eminently successful. Never did a great measure pass through Parliament more easily, we might say more triumphantly. A few ultra radicals, with Cobbett at their head,—apostate reformers anxious to cloak their new toryism by

declamations against the arbitrary powers given to the commissioners and the patronage to government,—country magistrates, the “poor man’s justices,” benevolent dispensers of other people’s property,—the heroes of vestries, owing their seats to a parish clique which the new bill was to annihilate—one or two lawyers, governed by the instinctive professional horror of change—of such materials, joined with a few sentimentalists who could not perceive that the poor themselves were the greatest sufferers under poor law mal-administration, was constituted the miserable opposition in the House of Commons. The division in favour of the second reading was 319 to 20. And it was merely a sample of those which followed.

In the House of Lords the bill was warmly supported, not only on the ministerial side of the house, but by all the more distinguished members of the opposition—by the Duke of Wellington, Lord Salisbury, Lord Ellenborough, Lord Winchelsea, Lord Wharncliffe, and Lord Liverpool. Amendments, adding to its efficiency, were suggested by the opposition. Among these the most important was one proposed by Lord Salisbury. Lord Althorp, in order to carry the bill through the House of Commons with as triumphant a majority as possible, had consented to an amendment, by which the duration of the commission was fixed at five years. He considered this as a mere nominal concession, since, if the commission worked well, it must be continued—if it worked ill, it would be revoked at an earlier period. Lord Salisbury admitted that if the measure succeeded, the commission,

which was its keystone, must be perpetually renewed ; but he maintained that renewal would occasion periodical agitation, and would give spirit and force to the demagogues and sentimentalists, and to the friends of corruption, abuse and mal-administration. He proposed, therefore, that the first term for which the commission was appointed should be at least ten years. Unhappily his proposal was rejected, and unhappily experience has shown the soundness of his views. The opponents of the bill were almost reduced to Lord Teynham, Lord Wynford, Lord Alvanley, and the Bishop of Exeter. For the first time in modern parliamentary history, faction was silent, and all parties united to give force to the principle, and perfection to the details of a measure which they felt to be essential not merely to the welfare, but to the civilization of the country.

Unquestionably the weak part of the Act, considering the extent and importance of the discretionary powers necessarily given to the commissioners, and to their assistants, was the temptation held out to them to forego the efficient performance of their duties.

If the 43rd of Eliz. had been reverted to, and the industrious able-bodied excluded from relief, the Act itself might have laid down strict rules for the relief of the comparative small minority constituting the classes which would then have been the only legal objects of compulsory charity ; the duties of the controlling power would have been simple, and their performance would have interfered little with existing interests. But as that was

neither desirable nor possible ; as the great source of fraud and peculation, the relief of the industrious able-bodied, was to continue, the duty imposed on the commissioners and on their assistants was the delicate and undefined task of gradually changing it from a mischievous to a beneficial system. It was obvious, that, in the performance of this task, they would have to struggle against every form of interested opposition ; and that the more they yielded to this opposition, in other words, the more they neglected their duties, the more popular would be their administration. The following extract from a report by Mr. Tufnell, a very experienced assistant commissioner, shows the nature of the opposition to which we have alluded.

“ The injustice,—the evils, both moral and physical,
“ that are inflicted on all classes of society, and especially
“ on the labouring classes, by the practice of paying
“ wages out of the rates,—are now so universally ac-
“ knowledged, that I never meet with any one who ven-
“ tures to support it. It numbers, however, many
“ indirect supporters ; and the abuse assumes so many
“ various shapes, under which its real nature may be
“ concealed, that the disingenuous and the short-sighted
“ have little difficulty in making out a plausible case,
“ that they are only applying the poor rates to their
“ legitimate object, when, in fact, they are paying
“ wages out of the rates.

“ The commonest case in which the real, though un-
“ confessed and generally unintentional, defenders, of
“ the abuse argue for a resort to this vicious system is,
“ where a labourer loses his work for a week or a fort-

" night. The plausible view of such a case is, that to
" send a man in this condition to the workhouse, and
" thus break up his establishment, is cruel ; and that the
" cruelty is aggravated by the consideration that, by
" the aid of a small pittance, less than would be the cost
" of the maintenance of himself and family in the work-
" house, he is willing to support himself till the few
" days are over, when he will certainly be taken again
" into employment. Kindness to the labourer, and
" economy of the parish funds, seem both consulted by
" this arrangement ; and the attractiveness of these ap-
" parent reasons sufficiently explains their newspaper
" popularity and their tastefulness to the multitude, who
" rarely advance two steps in an argument : but those
" who are closely acquainted with country life in a pau-
" perized district well know the futility of these reasons,
" —how this apparent kindness works the deepest in-
" justice to the labourer, and the intended economy
" results in almost boundless expenditure. It is usually
" forgotten that wages cannot fall for a continuance
" below what is necessary for the general support of the
" labourers, and that a farmer can only secure the ser-
" vices of his labourers by giving them, in some shape or
" other, enough to maintain them. Consequently, if he
" gives them less than is enough to support them during
" the year, and justifies his conduct by saying that he
" pays them enough while he employs them, and at the
" same time turns them off whenever work is slack, it is
" obvious that, unless the labourer can find other employ-
" ment in the intervals when he is turned off, what is
" wanting to make up enough for his yearly support
" must be paid him out of the rates. The wages

" and the relief are as closely connected as the two
" ends of a lever ; as one rises, the other falls.

" In the Eastry Union, during the protracted snow-
" storm which occurred in January, 1838, a strong at-
" tempt was made to procure some out-relief for the
" few able-bodied who had no work. But, on the
" maintenance of this no out-relief order, it depended
" whether 600 or 700 labourers should be kept in
" employ or thrown on the parish ; and this enormous
" evil was to be inflicted for the sake of giving out-
" relief in the first instance to twenty or thirty men, who
" were necessarily the worst characters or the worst
" workmen in the Union ; such, of course, being the
" first to lose employment. In fact, I am perfectly
" certain that there are several periods in the year in
" which, by simply giving an authority and recom-
" mendation to Boards of Guardians, that they should
" assist with out-relief those who were casually thrown
" out of employment, you would instantly cause, in
" this small corner of England, from 10,000 to 12,000
" able men to lose their work and be dependent on pa-
" rochial relief.

" No blame whatever attaches to employers of labour
" for turning off their men on such grounds as the
" above : in truth, they are compelled to do so. Each
" person reasons, and justly, thus :—I am willing to pay
" the wages of my own men, but I will not, and cannot
" pay the wages of my neighbour's men also ; and if I
" am made to contribute to their wages, by out-relief
" being given to them in consequence of my neighbour
" turning off his men when work is slack, I must meet
" the injustice by my turning off my men too ; and thus,

“ by getting out-relief for my men, making my neighbour pay as much for me as I for him. I have heard a Guardian tell the relieving officer to carry a message to a farmer who had shown some disposition to turn off his men during some interruption to his work, occasioned by the weather,—‘ Tell Mr. B., that if he turns off one man, I shall turn off forty immediately.’ Or he might have said,—‘ Tell Mr. B., that if he makes me pay the wages of his men, I will make him pay the wages of my men.’

“ The offer of the workhouse effectually meets the evil, as a farmer dare not turn off his men in consequence of a transient interruption to his work, when he knows that the only resource of the labourers may be to break up their establishments and go to the workhouse. Their services are essential to him when the interruption has ceased, and he is not certain of getting them back again, if they once get domiciled in the workhouse, while any other employer has an equal chance with himself of securing their future services. Besides, a farmer who acts in this way soon gets a bad name among the labourers, who of course are willing to work for any one in preference to him; and thus he runs the risk of procuring none but the worst labourers. Hence the workhouse relief brings in aid the operation of private interest to induce the farmer to give permanent employment to his men; and it is important to mark that the hardship of sending a labourer and his family to the workhouse, the great topic of popular outcry, is the very circumstance that forms the labourer’s safeguard against being

“ thrown on the parish, and secures him constant work.
“ Were the receipt of parochial relief made light and
“ easy, the labourer would not object to being thrown
“ upon the parish ; the master who treated him thus
“ would be no worse in his eyes than others (in fact, all
“ the masters must necessarily do the same) ; and the
“ labourer, receiving out-relief in his cottage, is ready,
“ at an hour’s warning, to resume his labour on his
“ former master’s farm, who thus loses the strong
“ motive described above, for giving his men continuous
“ employment. The demoralizing effect of this practice
“ on the labourer is too well known to require re-stating.
“ And yet how easy it is to make a declamatory speech
“ in its favour, and excite popular sympathy on the side
“ of its continuance ! Here is a labourer turned out
“ of work, from no fault, perhaps, of his own, bearing
“ an unexceptionable character, wholly unable to save
“ while in work, as his earnings are only just enough to
“ support him, and yet we insist on breaking up his
“ cottage and sending him and his family to the work-
“ house. I trust, however, I have made it clear that an
“ infinitely greater hardship would be inflicted on the
“ labourers generally by acting differently ; and that,
“ even in the individual case, the effect of the work-
“ house offer, as experience proves, so far from causing
“ the apprehended calamity, simply forces him back into
“ work, from which possibly he has only been removed
“ to try whether part of his wages cannot be obtained
“ from the rates.

“ It is obvious that this system of giving relief to
“ labourers who are turned out of work is neither more

" nor less than an indirect mode of paying wages out of " the rates, yet it numbers supporters among the gentry " and shopkeepers, who, not employing many labourers " themselves, or at least not for profit, are unaware of " the real effects of the practice, and among the small " farmers, whose position ensures their clear under- " standing of the principle, but who, possessing no " capital, are continually pressed for money, and are " willing to meet a present emergency by eking out " their labourers' wages through the poor rate. Lastly, " there is sometimes, I fear, a less creditable motive " behind, that prompts an advocacy of this vicious sys- " tem, and that is, where there are several shopkeepers " and tithe-owners in a parish, who, paying largely to " the poor rate, employ few or no hands, and conse- " quently the paying labourers' wages out of the rate " has the effect of taxing them to ease the farmer's " pocket, while they are incapable of retaliating by " turning off their men, as a farmer would, if similarly " treated, since they employ none."*

As an illustration of the mode in which, on this single point (and it is the same on all others), the interests and the duties of the Commissioners are opposed, we will extract a further passage from Mr. Tufnell's report.

" Every motive, save the single one of strong sense " of duty, impels a public Board, like the Commis- " sioners, in a course precisely contrary to harshness. " Their interests lead them to yield to applications for " relaxations from their rules, their refusal to do which, " causes such violent reclamations as they could only

* Report on further Amendment of the Poor Law, 1839, p. 120.

“be induced to incur by a rigid sense of public duty.

“A Board of Guardians sends up to the Commissioners “a case in which they desire to break through the “rule that prohibits out-relief to able-bodied. It is, “perhaps, referred to me for an opinion, who of course “am in the same position, as respects motives, as the “Commissioners. I know, possibly, that there is no “good ground for the application, and that to grant it “would break through a principle, the observance of “which is of the utmost importance to the present and “future welfare of the labourers, and yet a surface “plausibility may always be alleged in its favour, and “acquiescence is sure to be popular. If, then, under the “sense of duty, the application is disallowed, I have to “endure, perhaps, abuse in the newspapers, insults from “individual guardians, and every description of un- “pleasantness. If it is allowed, I escape all these dis- “agreeable consequences, the public applaud the so- “called humanity, the discretion is said to be properly “exercised, and my business proceeds calmly and quietly “along, though a serious blow may be struck at the “real interests of the labourers. But, *that* I do not “feel, the expense that may be incurred affects not me, “and it may be years before the benefit of a contrary “course is so fully developed as to beat down opposition, “and bring the popular voice on the side of truth and “reason. The fear in committing such extensive powers “to the Poor Law Commissioners should not be, lest “they should use them improperly, but lest they should “not use them at all; lest they should not interpose in

"the attempts that are continually made to break
"through the correct principles of Poor Law adminis-
"tration, and thus stifle popular dissatisfaction by con-
"sulting their personal ease: it appears to me to be in
"the nature of a Poor Law, that its worst abuses
"should be popular."*

One mode, and only one mode, existed, by which this difficulty could be met, and that was the selection of functionaries whose public spirit and feeling of responsibility would impel them to perform duties which every inferior motive seduced them to neglect. This was the expedient which the Government endeavoured to adopt, and, difficult as the attempt was, yet, as it was made with perfectly good faith, it succeeded. They selected three Commissioners, of whom one only belonged to their own party; another had held high office under their opponents; and the third, so far as his politics were known, was a Conservative. To the Central Board thus impartially chosen, they surrendered the most valuable patronage, if it had been used as patronage, that any modern administration has had, at one instant, at its disposal —seventeen Assistant Commissionerships of 700*l.* a-year each, and the whole staff of a large establishment. The Commissioners made their appointments with equal purity. And the result has been, a set of functionaries whose ability and zeal (zeal, it must be recollect, in opposition to every ordinary motive) have never been questioned even by the malice and ignorance and self interest which have assailed them.

* Report on further Amendment of the Poor Law, 1839, p. 134.

Nearly seven years have now elapsed since the Poor Law Amendment Act was passed. It has had to contend with every obstacle that could be expected not only from the follies and vices of man, but from the external accidents of unusually severe winters, bad harvests, epidemics, and commercial and manufacturing distress unexampled in duration; and over all these obstacles its triumph has been complete. The allowance system has been put down; industry, frugality and good conduct have been restored to the able-bodied labourer; the comfort of the aged and impotent poor has been secured; the education of pauper children has been commenced; the early marriages, which, under the old system, could scarcely be called improvident, have been diminished; wages have risen, employment has become steady, parochial embezzlement and peculation have been repressed, litigation has almost ceased, rates have fallen, agricultural capital has augmented, rents and the value of land have increased: in short, every result has been obtained which the framers of the Act could have hoped in their most sanguine anticipations.

The Commission, having outlived the narrow limit given to it by the Act, and having been twice prolonged for a year, is now to be continued for a longer period. And it might have been expected that the majority which so triumphantly carried through the bill, while it was an untried experiment, would not have been diminished after the success of the experiment had been decided. That the contrary, however,

has been the case, it is scarcely necessary to state, and is unprofitable to lament: but we think it may be useful to *account* for it, and to show of what materials the opposition to the Poor Law Amendment Act, or, what is practically the same thing, though not always apparently so, to the efficiency of its provisions, is composed.

I. In the districts which were well administered under the old law, the change that has been made is in many respects popular. The rate-payers like their new and unrestricted franchise; the guardians their new powers, and, as respects the local authorities, their new independence. They are pleased to sit as the elected representatives of their neighbours, each intrusted with the weighty concerns of a whole parish, at the same council board with their landlords, and with the highest aristocracy of the county. They are pleased to be told that they are to follow the forms of the House of Commons. While they are acquiring the instruction and experience which are to be obtained only in a popular assembly, they are learning its arts and acquiring a taste for it; and they would most unwillingly see the destruction of their little republic. What they desire is simply *power*; absolute if it can be obtained, if not, as nearly absolute as may be. They delight in the Act, so far as it created Boards of Guardians acting only as a board, and therefore irresponsible, with paid officers appointed by themselves to take all the trouble of dispensing relief and overseers to perform the invidious duties of assess-

ing and collecting the rate. All that they wish is, to have uncontrolled powers of distributing relief and of retaining and dismissing, as well as appointing, the paid officers. The only part of the Act to which they object is the control exercised by the Commissioners. They desire, therefore, the abolition of the whole establishment, Central Board, and Assistant Commissioners. If that cannot be effected, they wish at least to get rid of the Assistant Commissioners, without whose aid they well know that the Central Board would be inefficient. If that fail, they try to diminish their number, so as to prevent their presence at any one board more than once or twice a-year. If, however, that cannot be done to any considerable extent, they propose that their own powers be increased ; that "they may be allowed to order relief at their own discretion in such manner as they may think proper," which would of course be absolute power—or, in any case of emergency, and to be themselves judges of the emergency—which would also be absolute power—or in inclement weather, or in a high price of food, or prevalent sickness, or during the existence of any other cause of distress, they themselves being the judges—which again would be absolute power. They have not knowledge or experience enough to perceive that popular bodies become always profuse and generally corrupt ; that their affairs always fall into the management of an interested and therefore an active minority ; and that such is the plausibility of Poor Law mal-administration at its beginning, and its fertility of corrupt gain during its progress, that nothing but the vigilant

inspection and powerful control of a superior authority could prevent its introduction or check its indefinite increase.

II. In the pauperized districts the principal opposition is really, though not always avowedly, directed against the whole Act. Its benefits have been diffused over the whole population ; but the loss which it has occasioned has been concentrated on the individuals who profited by the old abuses. And we well know that, under such circumstances, it is the minority that is heard and that governs. In such districts much of what calls itself regard for the poor, or hatred of centralization, or desire to increase the discretion of the guardians, is really the love of plunder or of jobbing. It is the desire of the town vestryman to obtain contracts for himself or out-door relief for his customers, or his debtors, or his friends, or his supporters ; it is the desire of the farmer for low wages, and low rents, for the power of employing his people only at the most profitable seasons, or in the best working weather, and of paying them not according to their services but their wants : it is the desire of the manufacturer to drive a profitable trade by selling goods at a price less than the maintenance of those who fabricated them. In the unpauperized districts the guardians desire power because they believe that it will not lead to abuse. In the pauperized villages and towns they desire power because they know that it *will* lead to abuse, and abuse will give them profit or influence or popularity.

III. A third class of persons are opposed to the Act, or to the powers and restrictions which render it efficient, from mistaken but disinterested motives. These are the persons who think it possible and desirable to substitute legal enactments for frugality and providence on one side, and for active benevolence on the other. "To suppose," said the Commissioners of Inquiry, "that the poor are the proper managers of "their own concerns; that a man's wages ought to "depend on his services, not on his wants; that the "earnings of an ordinary labourer are naturally equal "to the support of an ordinary family; that the wel- "fare of that family naturally depends on his conduct; "that he is bound to exercise any sort of prudence "or economy; that anything is to be hoped from "voluntary charity; are views which many of those "who have long resided in pauperized rural districts "seem to reject as too absurd for formal refutation."—*Report*, p. 63.

Bishop Copleston, in the work to which we have already referred, has well traced this conduct to a deep seated confusion of moral duty with the task of legislation.

"That what all individuals *ought to do*," says that acute writer, "it is the business of the laws to *make* "them do, is a plausible position, and has actually been "adopted by some of the ablest and most virtuous men. "But nothing, in reality, is more fallacious, nothing "less congruous with the nature of man, and with that "state of discipline and trial which his present exist- "ence is clearly designed to be. It destroys the very

“essence, not only of benevolence, but of all virtue, “to make it compulsory; or, to speak more properly, “it is a contradiction in terms. An action, to be virtuous, must be voluntary: it requires a living and a “free agent to give it birth. If we attempt to transplant it from our own bosoms to the laws, it withers “and dies. It cannot inhabit an inert and inanimate mass; and the fabled attempt of Prometheus to “breathe life into his lump of clay was not more presumptuous than the endeavour to inspire a code of “laws with that principle, which, by its very essence, “is inherent in a moral and accountable being. In “fact, this endeavour to invest the laws with the office “of humanity, inconsistent and impracticable as it is, “when attempted from the purest motive, does, in “reality, often originate from an imperfect sense of “moral obligation, and a low degree of benevolence in “men themselves. Absurd as the thought is when expressed in words, man would be virtuous, be humane, “be charitable *by proxy*. This, however, not only the “divine purpose, and the declared end of our being, but “common sense itself forbids. *To throw off the care “of want, and disease, and misery upon the magistrate, “is to convert humanity into police, and into statute-book.*—There is a querulous sensibility, fostered by “sombre descriptions, in verse and prose, of workhouses “and village poor, which tends only to breed discontent, “and to propagate the most erroneous notions of the “duty of Government, and the defects of civil institutions. When we hear these doctrines from the “mouths of seditious demagogues, we feel only indigna-

"tion and disgust ; but the offence against reason is
"really as flagrant, though not so alarming, when these
"false opinions are insinuated, by means of the heart,
"into the weaker intellects of persons unaccustomed to
"deep reflection, not with a view to awaken active
"benevolence, but to make them repine at the evils
"incident to social life."*

These are the persons who would legislate for extreme cases,—who would rather encourage any amount of debauchery, idleness, improvidence, or imposture, than suffer a single applicant to be relieved in a manner which they think harsh. They wish to have nothing to do but to pay their rates, and, without the trouble or the pain of inquiry, to refer every applicant to the relieving officer, in the conviction that he will receive, as a right, from the public purse, not merely necessary relief, but all the bounty which they themselves, if they had investigated his case, could have bestowed. They are those who would convert workhouses into Owen-like parallelograms, with streets of separate apartments for married couples,—who would reward the labourer for throwing himself out of work, by giving him food better, and more abundant, than he obtained in independence,—by giving him beer instead of water, and meat instead of bread or potatoes.

To appeal to the reason of such persons is obviously absurd ; for they are governed by what they call their feelings, and those feelings are all on one side. Their pity for the pauper excludes any for the labourer, or for the rate-payer. They sympathize with idleness and

* Second Letter to the Right Hon. R. Peel, pp. 17, 18, 19, 25.

improvidence, not with industry, frugality, and independence. Personal experience alone can teach them ; the waste of their property under increasing rates, and the danger to their persons from agrarian insurrection, convinced many in 1831 ; and nothing but the repetition of the lesson will influence those who have forgotten it.

IV. Another source of opposition to the Act is its recency. It introduced new divisions, new officers, a new central and new local authorities ; and what, perhaps, was still more offensive, a new nomenclature. It might have been supposed that such an objection, though a plausible argument against the Bill while it was an untried experiment, would have lost its force after seven years of successful experience. But among the uneducated, seven years does not wash out the stain of novelty. It is a benevolent provision of nature, that those whom ignorance, and the conceit which always accompanies ignorance, would have made very dangerous innovators, should, by an instinctive aversion to change, be confined to the routine for which they are fit. And as submission to established authority is one of our most useful principles, nature has strengthened it, by making a change of masters the most distasteful of all changes. As much devotion has been shown in support of a mischievous despotism, as of a liberal constitution. This helps to account for the rebellion against the Commissioners by those who endured the magistrates. The Commissioners can lay down rules for the general guidance of the guardians, but are expressly prohibited by the Act from interfer-

ing in particular cases. The magistrates could not legally lay down general rules, though they presumed to do so ; but they could interfere in particular cases, “at their just and proper discretion.” They could summon the overseer from his farm or his business,—they could reprimand and humiliate him in the pauper’s presence,—they could make orders on him from which there was no appeal, and enforce them by fine. Who can doubt which is the least vexatious authority ? But the powers of the Commissioners are new ; those of the justices had been sanctioned by forty years of abuse.

If any of our readers, however, doubt the force of the principle on which we are commenting, let them listen to the demagogues who are agitating against the Act. Let them (if they can) read in the “*Times*” of the 19th April, 1841, the speeches at Mr. Walter’s meeting ; they will find that the *newness* of the measure was the objection dwelt on by every orator. Mr. Walter, in his printed address, stated that the *new* poor law was “beating down our Alfred-established parishes into detestable French arrondissements and communes ;” and in his speech he went on to deplore, that “the *old* “laws were to be overturned ; Commissioners, Assist-“ant-Commissioners, relieving officers, and men of he“knew not how many appellations and offices [*Cheers*]“were to supersede the official persons of the old con-“stitution.”

We really believe that, among the uneducated, this is one of the most powerful sources of opposition to the Act. Fortunately, however, it loses its force every year.

V. A fifth class of opponents to the Act consists of those who are governed by political, or rather party motives. Although the Poor Law Amendment Bill was warmly supported in the House of Commons by all the heads of the three great parties; in fact by almost every person entitled to public confidence or even respect, the Act itself was very unpalatable to the inferior members of both the Conservative and the Radical party. The Conservatives felt that it was a great blow to the influence of the provincial aristocracy. In the first place, it deprived them of powers greater, as we have already remarked, than any aristocracy ever before exercised in a country calling itself free. Secondly, it created in their place a set of local authorities, elected, with the exception of the *ex officio* members, on the principle that taxation gives a right to representation, and trained to the management of public affairs, to discussion, and to co-operation, in which the peer sits and debates at the same board with his tenant and his tradesman. And thirdly, it gave to a newly created London authority a right of interference in matters which had hitherto been reserved for the patriarchal administration of the resident proprietors.

On the other hand, the organizing and controlling powers of the Central Board, the appointment of magistrates as *ex officio* guardians, the cumulative votes given to owners and occupiers, and the power which the boards of guardians are found to possess, of resisting popular clamour and intimidation, have made the law an object of still greater dislike, not merely to those who directly and avowedly intend the destruction of

authority and property, but also to those who covertly or unconsciously pursue the same ends, by making all power depend upon numbers. The ultra-Tories hate the law, as democratic, the ultra-Radicals and Chartists as aristocratic ; and both these parties detest it as Whig. Those who have mixed in provincial politics, know how much more virulent and unscrupulous party-spirit becomes as it is less influenced by the more comprehensive knowledge, and more moderate opinions of the metropolis. We have said that the Poor Law Act was obnoxious to both the extreme parties ; to the ultra-Tories, as diminishing the power of the great proprietors ; to the ultra-Radicals, as opposing new and firm bulwarks against the mob. But if it had been free from both these objections, if in their hearts they had approved of every enactment, yet, as it was a Whig measure, those who have watched the morality of these ultra-factions will not doubt that they would have joined to attack it. Their dislike of the measure on intrinsic, though opposite grounds, merely added violence to an opposition which would have broken out whatever had been the provisions of the Act.

But though this opposition began with the introduction of the Bill, and was carefully nursed by local agitators, it did not appear in force until the general election of 1837. At the previous general election, in 1835, the recollection of the past calamities and dangers was too vivid, the support given by the Conservative party to the Bill was too recent, and the Radicals had joined too eagerly with the Whigs, in order to expel the Conservatives, to make reprobation of the poor

law a convenient topic. In 1837, the Whigs, again in power, had become the common enemy; many persons were candidates who had not sat in the Parliament of 1834; the evils of the old system were beginning to be forgotten, and interest, passion, and prejudice could be flattered, by declaiming against the new one.

That candidates who had not studied the subject should have been induced, blindly, to take the side which they were told would be most favourable to their canvass, is lamentable, but not surprising; that political adventurers, a class everywhere of loose morality, should have been eager to sacrifice any conviction, and to aid in any mischief, in order to struggle into power or notoriety, is still less surprising. But it is alarming, as respects our future prospects, and degrading to our national character, that men, estimable in private life, and aware that the welfare and the morals of millions depend on preserving the integrity of the Act, should have bartered for ambition or vanity their own honesty, and the public good, and have forced their way into Parliament, by pledging themselves to the repeal of what they knew to be necessary, and to the enactment of what they knew to be ruinous. It is probable that all these persons soothe their consciences by some sophistry; few men are guilty of any great immorality without doing so. Some think the maintenance of the Act unimpaired so obviously essential, and therefore so certain, that their speeches and votes can do it no harm. Others say that their constituents and their opponents are opposed to the Act; that, if they support it, they shall be beaten, and their

anti-poor law opponents returned ; that nothing, therefore, is lost by their pledging themselves to vote against the Act ; and, in short, that they are exhibiting a meritorious self-devotion, by sacrificing their consciences, " to keep out the Tory." Such are the miserable shifts by which men attempt to deceive others, and, to a certain degree, succeed in deceiving themselves.

VI. A sixth class of opponents to the Act consists of those who are influenced by the opinions of newspapers. This influence the higher classes in London, as they are little exposed to it themselves, are apt to undervalue. They know that most newspapers are mere mercantile speculations for the production and sale of the opinions which can be got ready in the least time, and with the least trouble, and can be sold to the greatest number of customers. They know that, with a few very brilliant exceptions, newspaper writers are not persons from whose conversation on matters of importance they would expect much pleasure or instruction, and they are little inclined, therefore, to look at their writings. They examine the parliamentary, and legal, and foreign intelligence, but think as little of reading the leading article as the advertisements. The Poor Law Bill, on its introduction, and during its progress through Parliament, was attacked in all its provisions by four-fifths of the metropolitan journals, with unexampled virulence and pertinacity ; but, as far as could be judged from the parliamentary majorities, without any effect on the class of persons to which the members of the legislature belong.

But with the shopkeepers and artizans in London,

and the middle classes in the country and country towns, newspapers are powerful organs. In the first place, they read little else: in the second place, the newspaper writer is in general superior to his reader: his knowledge, though it may be shallow, is more extensive, and he is more accustomed to argumentation. His sophistries, falsehoods and inconsistencies are not detected by persons unaccustomed to reflection and study. And with them he has the further advantage of being really anonymous: they believe him to be the organ of a great party, instead of the servant of half a dozen shareholders.

That the greater part of this influence must be opposed to Poor Law Amendment may be inferred from the following facts. In the first place, the great majority of the local papers are violently Tory, or violently Radical, and partake therefore of the animosity of those parties against the Poor Law Amendment Act, both on intrinsic grounds and as a Whig measure. Secondly, the readers of newspapers belong generally to the classes which we have described as favourable, from their interests, their passions, or their prejudices, to Poor Law mal-administration. They are the persons also who delight in coarse and strong excitement. They read with avidity the inventions and exaggerations of workhouse oppression, without attempting to separate falsehood from truth, without perceiving that much of what is called oppression forms in fact the only means by which the real oppressions of the old system are repressed, and that the actual cases of oppression which from time to time must

occur in 10,000 parishes, are not occasioned, but detected and punished, by the law.

And while this is the sort of writing for which there is most demand, it is also that of which the supply is readiest. The principles on which the Poor Law Amendment Act is founded are not obvious: if they had been so, they would not have remained undetected for the previous forty years during which many hundreds, perhaps thousands, of acute minds were anxiously seeking them. It requires some consecutive reasoning to comprehend them, and some powers of exposition, and more labour, to explain them. An ignorant or a puzzle-headed, or an idle writer (and the same remark applies of course to speakers), however well disposed towards the Act, would be a bad defender of it. But to attack it is the easiest thing in the world. There is not a single portion of the whole measure on which an unscrupulous writer, addressing an ignorant or a prejudiced reader, could not pour out a column of unpremeditated invective. The newness, or, what is another word for the same idea, the unconstitutionalness of the law; the authority of the commissioners; the expense of their establishment; the right of the guardians to spend, as they like, what is called their own money; the economy of out-door relief and allowance; the injustice of letting the wife and children be inconvenienced by the husband's misbehaviour; the hardship of making the workhouse a place of restriction; the simplicity of its diet; the demoralization of unclassified workhouses, and the cruelty of classified ones,—any one of these subjects may easily

be expanded into article after article, even without much admixture of more falsehood as to facts than is incident to uncandid suppression, exaggeration, and misrepresentation. A few journals have been the steady supporters of the principles of the Act, but they have been under the management of men of talents, knowledge, honour, and station in society.

VII. The last class of opponents to the Poor Law Amendment Act which we think it necessary to specify, consists of those who object to it, not because they think it bad, but because they think it good: not because they think it detrimental to the welfare of the poor, but because they know it to be one of the strongest supports of good government and internal tranquillity. These are the persons, common in France and in those parts of Europe which have been the scenes of revolution, but happily rare in England, who are intentionally anarchists. Among them are men of ability and education, whom the crimes of which they have been convicted, or suspected in their earlier life, exclude from intimacy, or even familiar intercourse with their equals, and whose only hope is, by the acquisition of power, and its reckless exercise, to produce a state of things in which talent may supply the place of character. Such persons, if an act of oblivion could be passed, might cease to be mischievous. Sad experience has taught them that dishonesty is miscalculation; and if they could believe their previous history forgotten, they might avoid its errors, and endeavour to obtain an honourable station in society,

instead of labouring to subvert it. But oblivion is not for them.

Projecere animas : quam vellent æthere in alto
Nunc et pauperiem et duros perferre labores !
Fata obstant.

They never can be respected, and therefore aim only at being feared. They are, however, more alarming than dangerous. Their votes, to be sure, must be counted, but the mendacity and malice of their speeches throw a discredit on their own side, which makes their enmity less detrimental than their co-operation.

When we consider this long list of hostile influences in connexion with the principle with which we set out, namely the transitoriness of the lessons given to nations by experience, we cannot wonder that the measure which passed by acclamation in 1834 should be fiercely and pertinaciously resisted in 1841. We have no doubt as to the continuance of the Act, so long as our present form of government, which, on the whole, vests the power in the educated classes, shall subsist. But we do not hope that it will ever be popular. It is essentially a system of control and restriction. It is opposed to the vanity and local importance of thousands, to the interests of tens of thousands, and to the ignorance and prejudices of millions. It reposes too, like the British constitution, on a system of balanced authorities mutually checking one another. Such systems work far more safely and beneficially than simpler forms of government,

but in nearly the same proportion, less easily. The friction is in proportion to the complication. The Government of Austria is much more simple, much more smooth and undisturbed than that of England, but is it therefore better? If the whole control of public relief were delegated to one set of local authorities, like the heritors in Scotland, or the ministers of religion in Holland, it would work much more smoothly. Jealousy, complaint, misrepresentation, and party spirit, are the price of the publicity of abuses and defects and of their timely removal, and neither the example of Scotland, nor that of Holland, leads to the belief that these troublesome correctives can be safely dispensed with.

But although the system established by the Poor Law Act must, from its nature, be the source of constant agitation, yet as agitation is *per se* an evil; as it weakens the control and distracts the attention of the Commissioners; as it produces party spirit and abusive management among guardians, and often vests the local administration of the law in the hands of those who are opposed to it, and administer it in order to defeat it; and, above all, as it leads to the dissemination of doctrines inconsistent with the rights of property, with industry, frugality, and providence,—in fact subversive of society,—it is clear that agitation ought to be reduced to its minimum. It is still more obvious that no means ought to be taken to increase it. We regret to say that such means have been taken, and taken by the legislature, under the influence of statesmen for whom we feel great respect. Nothing

of course can be more favourable to agitation than a knowledge that the law is temporary : that it is not merely subject, like all other laws, to repeal, but must expire unless periodically re-enacted. Yet this is the effect of the limit assigned to the duration of the Commission. It may be said, that, though the powers of the Commissioners are temporary, the law is permanent. But in fact, as is well known to all who oppose the law, the powers of the Commissioners are an essential part of the law. The discontinuance or real diminution of those powers would produce a system better in the opinion of some, worse in that of others, but at all events a new system ; a system as different from that which now exists as the existing system differs from the previous one. We bitterly regret therefore that Lord Althorp in the Commons assented to the alteration by which the Commission was appointed for only five years, and that Lord Salisbury's amendment, extending it to ten years, was not adopted by the House of Lords. The alteration, as we have already remarked, was considered a merely nominal one, on the ground that, if the Act worked well, the Commission would of course be made perpetual at the end of five years. The friends of the bill in 1834 did not anticipate the balanced state in which parties were found in 1839, which left to a few individuals the decision, in whose hands the government should be placed. It was natural that a ministry so precarious as the Melbourne cabinet at the close of the session of 1839, should not have ventured on proposing the continuance of the Com-

mission indefinitely, or even for a term of years ; though they would, without doubt, have carried the latter triumphantly. They would probably have lost, by so doing, a dozen votes on some other occasion, when the loss would have been fatal. The same kind of danger, though we think diminished in degree, existed in 1840 —and the same result was produced—a mere annual prolongation. The session of 1841 began under different circumstances. The Government resolved to supply the deficiency of the revenue by a budget founded on an extensive change in our commercial code. But to propose such a budget was to surrender to the Opposition a parliamentary majority, if the Opposition thought fit to accept it. It was obvious that if the Opposition chose, as a body, to resist the budget, they would be joined by persons from the ministerial side, injured, or fearing to be injured, in their own interests, or in those of their constituents, by the change, sufficient in number to defeat the whole scheme, and to force the Government to resign or dissolve. With such a contest in prospect, all minor battles, all minor victories or defeats became insignificant. The votes of a few unwilling adherents might be disregarded. It was not on their decision, but on that of the great Conservative party that the continuance of the ministry, at least with this Parliament, depended. And the great majority of that party, including its leaders without any exception, are the steady friends of the Poor Law Amendment Act. The Government, therefore, no longer under the control of the pauper faction, proposed the continuance of the Commission

for ten years, which was nearly the same as a perpetuity. It is deeply to be lamented that such a statesman as Sir Robert Peel should have thought it necessary to propose the reduction of this period to five years, a proposal of which, coming from him, he must have foreseen the success, and can scarcely have avoided perceiving the mischief. The steady and patriotic support which he and all his distinguished associates have given to the measure makes it obvious that he was forced into this concession by the prejudices of a portion of his inferior followers. Its effects will be felt in a diminished efficiency of the law during the next five years, and a renewed opposition in 1846.

It may be thought that these pages ought to contain some remarks on the motions in committee on the Bill, for which notice has been given. Many of these proposals are details, material in themselves, but not involving general principles, and most of the others we have already adverted to, though without expressly designating them. At the risk, however, of some repetition, we will shortly consider some of those which appear to us to be the most important.

We will begin with those which expressly or impliedly propose the discontinuance of the Commission, or, what is the same, the utter destruction of its efficiency.

These are,—

No. 1. Mr. Hodgson Hinde,—To deprive the Commissioners of all power of issuing orders.

No. 39. Sir Hesketh Fleetwood,—Sec. 15 and others, That Board of Guardians should have manage-

ment of workhouses.—Sec. 46, Salaries and dismissal of the Union officers, &c., to be under the control of the guardians.—Sec. 52, to the effect, That every board of guardians should have the power of giving relief according to their own discretion.

42. Mr. Wynn Ellis,—That a majority of the guardians have power to administer out-door relief to all persons who shall have attained the age of sixty years; and that in cases of towns wherein the population shall exceed the number of 10,000, a majority of not less than two-thirds of the number of the guardians shall have power to administer out-door relief, by coming to such resolution from week to week, and reporting the same to the Commissioners, with a statement of the extraordinary circumstances under which they have been led to adopt such resolution.

43. Mr. Christopher,—That it shall be lawful for any boards of guardians in Great Britain to grant out-relief to such person or persons as may become chargeable to any parish or place comprised in any Union in Great Britain, as a majority of two-thirds of the guardians *present at any meeting* of the Union wherein such person or persons may belong, shall think proper, any rules or orders of the Poor Law Commissioners to the contrary notwithstanding.

46. General Johnson,—That where any Union already established under the authority of the said recited Acts, or any of them, shall at the time of the passing of this Act have subsisted for the period of three years from the date of it having been so established under the order and seal of the said Com-

missioners, then and in every such case all the powers and authorities of the said Commissioners, and of all Assistant Commissioners, secretaries, and other officers, in relation to every such Union, shall, from and immediately after the passing of this Act, absolutely cease and determine ; and where every such Union shall not at the time of the passing of this Act have subsisted for the period of three years, to be computed as aforesaid, or where every such Union shall hereafter be so established under the authority of the said recited Acts, or any of them, or of this Act, then and in every such case the said powers and authorities of the said Commissioners, secretaries, and other officers, in relation to every such Union, shall absolutely cease and determine from and after the expiration of three years from the date of it having been so first established.

50. Mr. Fitzroy Kelly,—In the event of the power of the Poor Law Commissioners being continued, to propose a clause, empowering the guardians of any Union, by a majority thereof, to make orders for the relief of all classes of poor persons having settlements within such Union, without as well as within the workhouse, at their discretion, in such manner and under such restrictions as they think proper, any orders of the Poor Law Commissioners, or any law or statute to the contrary notwithstanding.

55. Lord Viscount Sandon,—To propose a clause for enabling towns with a population of above 10,000 to retain the management of the poor in their own hands.

38. Mr. Ainsworth,—To move, that the working

of the new Poor Law may not be insisted upon in the Bolton Union, and that all the rules, orders, and directions of the Poor Law Commissioners, so far as relates to that Union, may be retired.

We cannot believe that those who propose these monstrous clauses wish them to pass, or entertain any serious fears of their passing. Dreadful as the state of the law was before the Poor Law Amendment Act of 1834, such enactments would render it far worse, and afford a memorable comment on the remark of the Commissioners of Inquiry as to the fatality of Parliamentary legislation for the relief of the poor, as to the tendency of such legislation to create whatever it intends to prevent, and to encourage whatever it intends to repress.

Under the old law, there were some checks, though inadequate : the overseer had no discretionary powers. He was bound to afford necessary relief, and could not legally afford more. The justices, indeed, had a discretion, and lamentably they abused it ; but they had no corrupt, or, at least, no pecuniary motives to do so.

From such motives they were secured by their habits and their position in society. The *ex officio* guardians, and, in the districts in which the gentry are numerous and active, many of the elected guardians, are of the same description,—subject to error from ignorance, from mistaken humanity, and sometimes from the desire of popularity, but free from the systematic bias of interest. But in the country districts where the resident proprietors are few; and in the towns which are managed by tradesmen or manu-

facturers, and both in towns and in the country where the law is unpopular, the boards of guardians are scarcely found fit, intellectually or morally, to use advantageously even the discretionary powers which they now possess. In such places the country boards consist of farmers,—probably the least cultivated portion of the middle orders; and the town boards consist of shopkeepers and manufacturers.

In neither the one case nor the other can the boards be properly trusted with any powers beyond those which are absolutely essential to their office. But of the two classes of local authorities, those in the country districts are perhaps the most trustworthy. In these districts the persons elected are generally among the most respectable of their class in each parish. But in the towns to which we have referred, the universal suffrage given to rate-payers, the inability of busy men to give time to unpaid duties, and the dislike of the monied aristocracy to meet their inferiors, generally prevent the persons best fitted for the office from accepting it. And to unscrupulous holders it would offer, if the power of the commissioners did not interfere, temptation to abuses more dangerous than even those which are found in agricultural parishes.

The evils of the allowance system are very great in agricultural districts. But they do not extend beyond the parish or the union. While that system was prevalent, the imaginary line between two country parishes often separated a labouring population sunk in the misery and vice of pauperism, from one enjoying inde-

pendence, and, as its consequence, good wages and regular employment. But a fall of the wages of those engaged in any manufacture in one place has a tendency to reduce the wages of all persons engaged in the same manufacture in every other place. A fall in the wages of the silk-weavers in Macclesfield has a tendency to reduce the wages of the silk-weavers in Norwich.

The reason for the difference is obvious. The price of agricultural produce has no immediate connexion with wages. The amount that a farmer can produce is limited by the capabilities of his farm. He sells whatever he produces at the highest price he can get, and has no motive to undersell his neighbours. If he can really obtain labour at a lower rate, he gets, as long as he can, a better profit, and ultimately has to pay a higher rent. His neighbours in the adjoining parishes may be tempted by his example, but they are not forced to follow it. His profits, however unfairly obtained, do not interfere with theirs.

On the other hand, the price of manufactured commodities is principally governed by the amount of the wages paid to those who produce them. As the manufacturer's profit depends chiefly on the extent of his sales, every manufacturer is engaged in a constant struggle to extend his sales, and, as the most effective means, to undersell his rivals. Every diminution that he can effect in wages enables him to diminish the price of his goods, and his interest impels him to do so—since he gains more by an increased sale than he loses by the slight reduction, which is enough to give

him the command of the market. His rivals, and under that term are comprehended all who produce for the same market, though separated perhaps by hundreds or by thousands of miles, must follow his example, since no one can obtain for a commodity of a given quality a higher price than that at which another person offers it. The portion of wholesale price which constitutes profit is so small that a slight diminution of price, wages remaining the same, would generally absorb it. To avoid this, and he must avoid it, or give up his trade, the manufacturer endeavours, with every diminution of price, to diminish wages.

When once therefore the allowance system begins in a manufacturing town, it is rapidly contagious, so far as respects the class of workmen to whom it has been applied. However he may deplore the system, every manufacturer must use the means of obtaining cheap labour which are resorted to by his rivals.

Another evil, peculiar to manufacturing districts, is the tendency of the allowance system to prolong indefinitely the continuance of occupations that have ceased to be profitable. The demand for agricultural labour is scarcely susceptible of change; but every new fashion, every new machine, and every new process has a tendency to render more useful the services of one class of artizans, and less useful those of another; and consequently to lower the wages of the one class, and raise those of the other. The natural remedy is that the workmen, the demand for whose services has ceased or diminished, should betake themselves to the new sources of employment which almost always ac-

company, and generally have in fact occasioned, the change. It is thus only that the supply of labour can be proportioned to the real demand for it. This is a remedy, however, to which they are generally averse. They dislike change; and particularly a change by which a portion of their skill becomes useless, and they may have to act under a new master, with new associates, and often in a new residence. Nothing but necessity therefore will impel them to a change of occupations; and this necessity the allowance system endeavours to prevent. It endeavours to bribe the employer to keep an unprofitable workman, and the workman to cling to an unprofitable employment. It endeavours to perpetuate a caste of hereditary paupers, following a business unsuited to the wants of society or wasting their force by the use of inferior tools.

By its aid the contest between the hand-loom and the power-loom, which has produced and is producing misery to tens, perhaps to hundreds of thousands, has been prolonged.

Those who wish to see the details of such abuses will find them scattered through the Appendix to the Poor Law Report. Among the most instructive instances are the cases of Darlington and Barnard Castle, mentioned in Mr. Wilson's admirable Report from the northern counties.*

It may be said, however, that we are recurring to old times, before the publication of the Poor Law Report; and that now, when the mischiefs of the

* App. (A.) Part I. p. 140, *a.*

allowance system have been made notorious, there is no danger of a recurrence to the practice. But what the Poor Law Report has proved is the general, not the particular ; the ultimate, not the immediate mischief of the system. It has not proved, or even asserted, that that system cannot promote the immediate interests of individuals. And it is with immediate and individual interests that we have to deal—especially in town administrations. The owner of a landed estate (and the same remark applies even to the tenant with a prospect of long occupancy) has remote interests to guard. To a certain degree he is *ascriptus glebae*. If he engage in a course of which the result, at the distance of ten or even of twenty years, will be high rates and demoralized, unprofitable labourers, he or his children will suffer in property and comfort. But the inhabitant of a town is migratory. As soon as his fortune is made, or as soon as his existing residence becomes a less favourable scene for his operations, he can remove. The temptation to consult his immediate interest is not opposed, therefore, by feeling that he or his family will suffer the evils which he is preparing for his successors.

So little ground indeed is there for hoping that, if the guardians of town parishes were left to their own discretion, the old abuses would not return, that wherever the control of the commissioners is weakened by the want of a workhouse, these abuses continue, in a somewhat mitigated form, but with a constant tendency to increase. This is the secret of the opposition to the present bill, on the part of Macclesfield and of

Bolton. Neither of those unions possesses an efficient workhouse. Neither of them will build one, lest it should enable the Commissioners to place restrictions on out-door relief. And in the mean time, the payment of wages out of rates, with all its consequences, not only continues but increases.

By a *curiosa infelicitas*, Lord Sandon, in selecting towns with 10,000 inhabitants as the places of un-superintended administration, has proposed to surrender to the discretionary powers of the guardians, precisely the communities that would suffer under them most certainly and most severely; and Mr. Ainsworth, in fixing for the same purpose on Bolton, has proposed to withdraw from all control a place in which the existing control is obviously insufficient.

The next amendment which we have to consider is that of Sir De Lacy Evans.

No. 2. In clause 3 to leave out all the words after the words "Local Acts," or, when more fully stated, to exempt from the superintendence of the Commissioners all parishes in which the relief of the poor is administered under any Local Act. This is a proposal to leave to the uncontrolled jobbing, peculation, fraud and mismanagement of the local authorities a population exceeding two millions and a half.* But as its effect in all the towns to which it applies would be to give power and profit to an active and interested minority, a minority whose intrigues always have considerable electioneering influence, it is to

* See return to the House of Commons, 2 April, 1841. No. 211.

be feared that it may receive some support. We do not think it necessary to repeat the objections which we have already opposed to the amendment of Lord Sandon, which differs from that of Sir De Lacy Evans merely by a somewhat different selection of victims. Lord Sandon devotes to mal-administration all towns now possessing a population of 10,000 persons, or which shall hereafter exceed that minimum. Sir D. Evans uses a different test for the selection of the abuses to which he extends his protection. His test is not founded on any moral or physical peculiarities in the parishes which, if his amendment be adopted, are to be withdrawn from the general law. There may be two parishes precisely similar in the employments, the habits, in short in the whole condition of their respective inhabitants, and yet if the one happen to be governed by guardians elected under the provisions of the Poor Law Amendment Act, and the other by guardians appointed under the provisions of a local Act, the one is to be under the superintendence and control of the Central Board, the other to be left to the uninspected, uncontrolled discretion of its parochial administrators. Which of the two amendments be the more mischievous we do not feel called upon to decide, but we are sure that Sir D. Evans's is the more obviously irrational. Lord Sandon's is founded on the social differences between the larger and smaller communities. We believe the practical conclusions which he draws from those differences to be erroneous : but the differences are real. Sir D. Evans's plan proposes different admi-

nistrations for communities between which no real difference exists.

It is possible, however, that Sir D. Evans may believe that such is the superiority of the administration provided by local Acts over that created under the Poor Law Amendment Act, that the parochial authorities, acting under the former, ought to be intrusted with discretionary powers which are refused to those acting under the latter. As Sir D. Evans proposes to legislate on the matter, he has of course made himself master of the contents of all the local Acts and of the history of the parishes which have been governed by them, and is prepared to explain to the House the legislative wisdom with which their enactments have been framed and the success with which they have worked. We must say that our own inquiries led to a different conclusion.

Few uniform qualities can indeed be ascribed to the hundreds of local Acts which the legislature has at different times, under different states of public feeling, and at the instigation of parties with different motives, both public and private, been persuaded or perhaps deceived into sanctioning. But it may be said generally that the constitution of these local authorities is aristocratic. Some indeed are absolutely democratic, with equal and universal suffrage of rate payers, no qualification and annual elections. Others are absolute oligarchies, the ruling body being appointed for life, or for long periods, and filling up itself its own vacancies. But in the majority of cases the term

for which the power is given is about three years; the vacancies are filled up by election, and the constituency consists of the resident clergy and magistrates, of owners and of rate payers occupying tenements of considerable value.

In many places no rate payer has a vote unless he occupy an estate rated at 100*l.* a-year. In others a 50*l.* rating gives the franchise: in others, 30*l.*; in a few, 10*l.* Sometimes a capital of 500*l.* gives a vote; sometimes the possession of an estate of 70*l.* a year or upwards. But the usual object is to obtain a narrow constituency. The powers originally given to these bodies were such that it required two Acts of parliament, the 54 Geo. III. cap. 170, (30th July, 1814,) and the 56 Geo. III. cap. 129, (1st July, 1816,) to restrict them. Many of the acts enabled the managing body to force into the workhouse persons not applying for relief whom they should judge to be idle or disorderly; almost all of them authorized the punishment of the inmates of the workhouse by whipping or discretionary imprisonment: many enabled those who had once entered its walls to be detained there for long fixed periods, or till they should have reimbursed the costs of their detention (that is, until death); or until they should be able to maintain themselves, or for such time as the guardians should think proper. These monstrous powers no longer exist, except in the cases where a local Act passed before the general acts repealing them has been subsequently re-enacted. But there are others, leading to great abuses, though

of a different kind, which are unrepealed, and would instantly revive in full force if the control of the Commissioners were withdrawn.

Such are, the discretionary powers to appoint officers and fix their salaries, the salaries being sometimes, as in the case of the Shardlow incorporation, a percentage on the expenditure ; to make contracts, to administer charitable donations, to excuse from rates, to make rules, orders, and regulations for governing, maintaining and employing the poor ; to exercise all the powers and authorities relating to the relief, maintenance and employment of the poor which appertain to overseers. In short, all the legislative and executive functions, which by the Poor Law Amendment Act are divided between the Commissioners and the Boards of Guardians, will be found, in the local Acts, concentrated in these obscure oligarchies.

Some of the details of the mode in which they were exercised will be found in the Evidence taken by a Committee of the House of Commons on Select and other vestries, ordered to be printed the 10th Feb., 1830, and the 1st April, 1830,—but we refer to it rather for illustration than for proof. The abuse of such powers in such hands is necessarily incident to their existence.

These statements, we think, are a sufficient answer to the proposed amendment, without dwelling on the inconvenience and litigation which must follow from scattering capriciously throughout the country a *lex loci* differing from the general system, incapable of assimilation, and exposing every one who, perhaps

unconsciously, becomes a resident in one of those anomalous parishes or has to deal with its authorities, to find himself entangled in a law which he has had no means of previously ascertaining.

We now come to Captain Pechell's Amendment, No. 4, exempting from dissolution by the Commissioners incorporations under Gilbert's Act. The objections to this Amendment will be obvious when the leading provisions of that Act (the 22 Geo. III., cap. 83) are stated.

It was passed when the current of legislation was beginning to run in favour of pauperism, and affords a lamentable proof of what was then the state of public opinion.

It enables two thirds in number and value of the owners and occupiers in any parish to signify their adoption of the Act, to recommend to the justices of the district three persons to be guardians of the poor of the parish, and to fix the salaries to be paid to such guardians. It further enables any two or more parishes to unite for the purposes of the Act, and to agree as to the site of their common poor-house. From the three persons recommended from each parish the justices are to select one to be such guardian, and he thereby for all purposes, except the making and collecting the rate, becomes the sole overseer of his parish. The guardians are to provide a poor-house for the reception of the impotent from age or sickness, and of orphan children—but no able-bodied person is to be received therein. For the able-bodied, provision is made by the 32nd and 35th clauses, by which, “Where there shall

“ be in any parish any poor person or persons able and
“ willing to work, but who cannot get employment,
“ the guardian is required, on application made to him
“ by or on behalf of such person, and under a penalty
“ of 5*l.* for every case of neglect, to agree for the
“ labour of such person, *at any work or employment*
“ *suited to his or her strength and capacity in any*
“ *place near the place of his or her residence, and to*
“ *Maintain, or cause such person to be properly main-*
“ *tained, lodged, and provided for until such employ-*
“ *ment be procured, and during the time of such work,*
“ *and to receive the money thereby earned and apply*
“ *it in such maintenance and make up the deficiency,*
“ *if any, and if there be any surplus, account for it to*
“ *the pauper.”*

We doubt whether even pauper legislation affords a parallel to the mass of absurdities combined in these clauses. They assume either that employment can be obtained without funds, or that the funds of a parish are inexhaustible. Whatever the number of persons may be who profess to be able and willing to work, but are unable to obtain employment, the guardian is to procure them employment and to cause them to be properly maintained, lodged, and provided for. The employment is to be suited to their strength and capacity : the weaver, we suppose, is not to break stones, or the ploughman to pick oakum. It is to be near their place of residence. They are not to seek distant work, they are not even to change their residence in order to obtain employment five miles off. Instead of their going to the employment, the employment is to be

brought to them. If a manufacturer removes to a better fall of water at six miles distance, and offers his workmen good residences, and good wages, they need not follow him. They have a right to say, We will stay where we are; the guardian shall provide us suitable employment, and cause us to be properly maintained, lodged, and provided for, until such employment be procured, and during the time of such work: and the justices are to fine him five pounds for every neglect; that is to say, if there be fifty applicants, 250*l.* for every day on which he omits to do so. On the other hand, if the employer think fit to discharge his work-people, he can apply the next day on their behalf to the guardian, require them to be provided with suitable employment, and offer to agree to take them back at half wages, the other half being supplied by the parish.* There is nothing, indeed, in the Act to prevent the guardian and the employer being the same person, and agreeing, as guardian, with himself as employer, what portion of the wages of his own work-people he shall pay out of his own pocket in his individual capacity, and what portion out of the parochial funds in his corporate capacity.

And yet, strange as it may appear to any one not accustomed to the caprices of legal interpretation, these clauses, not having been expressly repealed by the Poor Law Amendment Act, are held to be still in force, and the Gilbert Union parishes stand anomalies in the general law, places in which the rule

* See instances of this conduct in the Second Report of the Poor Law Commissioners, p. 434, and *passim*.

is to give in-door relief to the impotent, and out-door relief to the able-bodied ; places in which allowance in aid of wages, the worst form of abuse, is not merely legal but imperative ; places in which the justices may be required to *enforce* by fine, practices which, in the next parish, they would be required to *punish* by fine. It is scarcely necessary to state the other objections to the Gilbert Unions, such as the capricious manner in which the parishes constituting them are scattered, not contiguously, but parish by parish, in the midst of other unions, or the difficulty of getting the consent of the guardians to the dissolution of a union which gives them salaries, local importance, and great opportunities of abusive profit.

Mr. Hall states the salaries of the guardians in the Barrow-upon-Soar Gilbert Union, to be more than 350*l.* a-year.

“ If a guardian,” he adds, “ be a very small rate-payer, he is extremely unwilling to give up his salary ; “ if his contribution to the rate be considerable, his salary is proportionably large, and indemnifies him for what he loses by the continuance of a faulty system ; “ besides, the advantage is certain and direct. There is much connected with the management of an incorporation to please persons in that class of life from which the guardians are usually chosen. The monthly meeting at the house of industry is followed by a dinner at the public expense ; the fines for non-attendance are applied to an annual feast ; and should the house be situated in a market-town, the farmer guardian has the fourth part of his market expenses

" paid. Add to all this, the secret objection to re-trenchment and reformation, which the short-sighted and self-interested farmer almost always entertains, and the complacent satisfaction with which he regards his own expedients and maxims, and it must be plain that a powerful bias exists against the dissolution of an incorporation."*

We trust that Capt. Pechell, when he has more carefully examined the system which he is trying to uphold, will withdraw his Amendment, or that the House will leave him in a minority of one.

We now come to the following Amendments, the five first of which propose immediate change in almost all the existing Unions, and the last is intended to throw difficulties in the way of any future change.

5. Sir George Strickland,—In addition to clause 9, That the population of no Union shall exceed 30,000 persons, according to the last Parliamentary census.

6. Mr. Grimsditch,—That it shall be lawful for the commissioners, and they are hereby required, within the space of three calendar months after the passing of this Act, to dissolve all such Unions as comprise within their respective districts more than two parishes, townships, or places in union with any city, borough, town, or place, which contains a population of 20,000 persons or upwards, according to the last Parliamentary census; and to form such districts into other Unions, or to add parts thereof to other Unions, so and in such manner that no parish, township, or

* Second Report of the Poor Law Commissioners, p. 437.

place, shall be united with any such city, borough, town, or place, having such population as aforesaid, which is not situate, at the nearest boundary thereof, within one mile of the market-place or the parochial church or chapel of such last mentioned city, borough, town, or place.

(Towns with a population of 30,000 or upwards, not in union, to be separate districts or unions.)

That no city, borough, town, or place, containing a population of 30,000 persons or upwards, according to the last Parliamentary census, which has not been already placed in union by the said Commissioners, shall be placed in union with any other parish, township, or place, on the formation of any new Union; but that such city, borough, town or place, having such population as aforesaid, shall be a district or union of itself for the administration of the parochial affairs thereof, under the provisions of the said recited Acts and of this Act.

(The like power to dissolve and re-construct other Unions.)

And be it further enacted, that the said Commissioners shall have power, and they are hereby required, at such time or times as they should think fit, not exceeding one year after the passing of this Act, to dissolve all such unions as comprise therein any parish, township, or place, situate, at the nearest boundary thereof, more than four miles from the central point of such union, or from the place where the guardians of such union or unions have for a period of one year held their meetings; and to add such distant parishes,

townships, or places, to some other union or unions, and to make such other alterations as may appear necessary, so nevertheless that in no case shall any such parish, township, or place, exceed the distance of four miles from the centre of any such union, or from the place of meeting of the guardians thereof as aforesaid.

(Commissioners to withdraw from unions parishes not situate in one and the same county.)

And be it further enacted, That in all cases where any parish, township, or place shall have been placed and is now in union with other parishes, townships, or places not situated within the same county, the said Commissioners shall, and they are hereby required, to order and direct the same to be separated and withdrawn from such union, and to add such parish, township, or place, to some union within the county in which the same shall be situate; and that no union or unions hereafter to be formed shall comprise therein any parish or parishes, township or townships, or place or places, not situate within one and the same county.

(After the above alterations, no Union to be dissolved without the concurrence of two-thirds of the guardians.)

Provided always, and be it enacted, That it shall not be lawful for the said Commissioners, after they shall have made such alterations as aforesaid, to dissolve any union, or to make any addition thereto, unless a majority of not less than two-thirds of the guardians of such union shall concur therein.

These amendments, like most of the others in the

long list before us, are instances of the tendency of members of Parliament to assume as legislators a superiority in wisdom and knowledge, which in any other capacity they would anxiously disclaim. The Commissioners have now for seven years been engaged in the business of forming Unions, and of superintending their working when formed. And they have been aided by a large body of Assistant-Commissioners, residing in the midst of these Unions, visiting them every day of their lives, and familiar with the habits, the wishes and the complaints of their inhabitants. The Commissioners have every conceivable motive to constitute Unions of the extent in area and population which, with reference to local peculiarities, will be found most convenient. On their succeeding in doing this depends in a great measure the difficult or the easy working of the Union,—whether it shall be a source of satisfaction to the Commissioners, and to their Assistant-Commissioners, or of constant trouble, complaint and annoyance. Now of the 588 Unions formed by the Commissioners in England and Wales, 207 contain, according to the last parliamentary census, a population exceeding 20,000 persons, and 85 a population exceeding 30,000 persons. Sir George Strickland's proposal would at once cause the dissolution of 85 Unions, containing a population of above 4,000,000 persons. And it is to be remarked, that of the Unions of which Sir George Strickland proposes the dissolution many are among those last formed and most successful.

Sir George Strickland, therefore, proposes to take a course directly opposite to that in which the Commis-

sioners, with the fullest means of knowing what is best, and with the strongest motives to do what is best, have, after an experience of seven years, persevered. The Commissioners have no motives to bias their judgment. They have neither local interests nor partialities. Are we sure that the persons out of the house who have suggested these amendments have none? In the 17 Unions in operation in Lancashire on the 1st of May, 1839, there were, previous to the formation of those Unions, 347 paid officers engaged in the administration of relief. The formation of the Unions reduced the number to 47.* Of the 300 persons in this one district who, merely as paid officers, have lost power and profit, how many hope to regain them, as soon as the Unions are broken up, and the duties again subdivided? How many are induced to countenance Sir G. Strickland's amendment because the applicants for office are among their friends or relations or dependents?

In this instance, as is the case with nearly all the opposition to the Poor Law Amendment Act, the opposition arises really from the merits, not from the defects of the Act. A populous Union can afford to pay for the services of efficient officers, because it requires a comparatively small number. For that very reason the candidates for office wish it to be subdivided. A populous Union works with so much publicity, and the influence of an individual over the general body is so weak, that abuses are prevented, or detected: for that reason its magnitude is objected to by those who think

* Fifth An. Report, p. 30.

that, in smaller aggregations, they would have better opportunities of obtaining power or profit. In populous Unions, where the number of cases is great, and the guardians know little of the applicants, they necessarily deal with applications by classes, and are governed by general rules; leaving, where it always ought to be left, with private charity to remedy any harshness which the application of the rule to an extreme case might occasion. In smaller bodies, the necessity of adhering to general principles, or even of having any general principles at all, is not felt. Legal relief is given on the changeable and almost capricious grounds on which private charity is properly founded. Claimants are attracted by the sort of lottery which is held out; an insatiable, and, consequently, always encroaching demand is created and fostered, and necessarily often disappointed, until it is found that poverty is produced and continued by the means by which it was intended to be removed. But this lax administration, though ultimately more mischievous even to the receiver than to the giver, is popular with many, because it puts on the appearance of benevolence, because it appears to provide for extreme cases, and to avoid the occasional severity which is incident to every rule, however wise.

Mr. Grimsditch's clauses, so far as they propose to limit the population of Unions, and to substitute a fixed parliamentary rule for the judgment and experience of the Commissioners, are subject to the same objections as Sir G. Strickland's. They have also peculiar demerits of their own.

They propose the dissolution, complete or partial, 1. Of all Unions in which two or more parishes are united to a town containing 20,000 inhabitants. 2. Of all Unions in which any parish is distant four miles from the centre, or from the place of meeting of the guardians. 3. Of all Unions extending into more than one county.

It is difficult to describe the immediate confusion, inconvenience, and expense which these wild proposals would occasion ; they would affect almost every Union in England. Large central workhouses, erected at vast expense, must be pulled down, or become ruinous, because the advantage derived from them would not pay for keeping them in repair : many hundred new workhouses must be built for the use of the new Unions. Hundreds of new chairmen and vice-chairmen must be trained ; hundreds of good and experienced officers must be dismissed, because the diminished funds of the diminished Unions could no longer afford them sufficient salaries. Thousands of inferior and inexperienced persons must be taken in their room, to meet the demand for a larger supply of a worse quality. The mixture of town and country guardians, a mixture always beneficial to both parties, as it corrects their respective peculiarities, must be discontinued. The capricious boundaries of counties must be substituted for the natural limits assigned to Unions by convenience ; towns extending into two counties must be split into separate administrations ; villages perhaps not a quarter of a mile from what is now the centre of a Union, must be separated, and joined

to one with which they have no connexion ; the guardians must, in many Unions, change their place of meeting, from the workhouse to some solitary house, as a central point ; some obscure village must generally be taken for the site of the workhouse, and the meeting of the board, instead of the market town. In short, if Mr. Grimsditch wishes to render the law as expensive and as vexatious as it is possible to make it, his amendments are devised with absolute wisdom. And with an absurdity quite in keeping with his other suggestions, he proposes that a large portion of these alterations shall take place in three months, and the whole in one year, and that the Commissioners shall have no power to correct their hasty reconstructions, or, indeed, to make any alteration in any Union whatever, unless they have the concurrence of two-thirds of the guardians.

It is clear that the Commissioners must have some power to alter the boundaries of Unions. When, seven years ago, they began to create them, they engaged in a business of considerable delicacy, with little aid from experience. It is impossible that they should not have made many mistakes, for want of ascertained rules, and many others, from imperfect information ; and it is certain that many of their arrangements, though expedient at the time, have become, or will become, inconvenient from subsequent events. But as every change, and even the fear of a change, is, *per se*, an evil, it is right that Unions should not be exposed, or believe themselves exposed, to dissolution, or even change, at the arbitrary will of the

Commissioners, however improbable it may be that such a power would be improperly exercised. The restriction imposed by the Bill is the concurrence of a majority of the guardians. And when we consider not only the immediate inconvenience of an alteration, but the tendency of a local body to exaggerate that inconvenience, and that not merely the guardians who actively oppose, but all those who do not actively support the change, all those who neglect to vote, must be counted as dissentient, this is a restriction which will make alteration exceedingly difficult. Mr. Grimsditch, by requiring those who actively concur to be double the number of those who either resist, or take no part, would make it almost impossible.

The last amendment aimed against the principle of the Poor Law Amendment Act which we shall notice is Mr. Darby's,

No. 35. That it shall be lawful for the collector of the poor rates for the time being of any parish subject to the provisions of the Poor Law Amendment Act, and he is hereby required, before the day of in every year, to call, by due notice, a vestry, for the purpose of taking into consideration the providing of materials, for the purpose of setting to work thereon, as hereinafter mentioned, the able-bodied poor of such parish ; and such vestry may at such meeting, or at any adjournment thereof, direct such collector of the poor rates to provide materials for such purpose, and also of what such materials shall consist ; and such collector shall provide such materials, to be paid for

out of the poor rates of such parish ; and shall give notice to the guardians of the Union, that such materials have been provided for such purpose ; and it shall be lawful for the guardians of such Union, when they shall think it expedient so to do, on the application for relief of any able-bodied person belonging to such parish, to order such able-bodied person to be set to work on such materials, notwithstanding any order of the Poor Law Commissioners to the contrary ; and the Board of Guardians of such Union shall, before they shall give any such order, direct in writing under what regulations and superintendence such able-bodied person shall be set to work, and such regulations shall be forwarded to the Poor Law Commissioners ; and such collector of the poor rates shall receive all sums of money and all profits arising from the sale or disposal of any of such materials, and shall account for them in the same manner as for the poor rates of the said parish : Provided always, that such able-bodied person shall be paid for such work in respect of the quantity of work performed by him by the relieving officer of the Union or district of the Union to which such parish shall, under the said first recited Act, belong.

Mr. Darby, when he proposes, with respect to the able-bodied, to substitute for the workhouse parish employment and parish payment, must assume that his system is better for the rate-payers or better for the labourers.

We will examine these assumptions separately.

He may believe that his system is better for the rate-

payers on two grounds: 1. That the employment may produce a profit; and secondly, that the maintenance of the paupers in their own homes may be less expensive than it would be in the workhouse.

The first ground is contradicted by a long and varied experience. Parish employment has been tried in manufactures, and tried in agriculture, and in neither case has the produce been equal to the expenditure in capital and management.

Manufactures require expensive materials and machinery, and the superintendence of persons acquainted with business, who know when and where to purchase and when and where to sell; who will exert the constant vigilance necessary to prevent the waste or embezzlement of materials, the injury to machinery and tools, and the loss from bad debts and improvident engagements; and above all, whose integrity forbids their defrauding their employers for their own benefit or that of their friends or connexions. These are rare and consequently high priced qualities. Are we to expect that persons possessed of them will become the stipendiaries of a vestry? Has any vestry ever obtained the services of such persons? No parish ever attempted to manufacture without suffering from the incapacity or negligence, or peculation of its agents, and generally from all together. And the ultimate result has always been the abandonment of the experiment after a loss proportioned to its extent and duration.

Parochial agriculture has been equally unsuccessful. The produce of a parish farm will never be found per-

manently to repay the cost of the rent, the tithes, the repairs, the implements, the seed, and the management. The real balance always stands thus :—

Cost of maintaining paupers	A
Loss on manufacture, or farm	B
Total expenditure	C

But though no profit be obtained, it may be supposed that there is a saving in the difference between the expense of in-door and out-door maintenance. Assuming the number relieved to be in each case the same, this could be true only on the supposition that the out-doors' pauper is much worse supplied with the necessities of life than the in-doors' pauper. It is notorious that food, clothing, firing, and habitation, of a given quality, can be afforded at a cheaper rate per head in proportion as the number of persons to whom they are supplied increases. They can be supplied more economically to 800 persons than to 500, to 500 than to 200, to 200 than to 50, and to 50 than to 5. From 25 to 50 per cent. is saved by the mere difference between wholesale and retail prices: a further saving arises from the difference between the ordinary wholesale market price and contract prices. And, as far as food and fuel are concerned, and they are the principal expenses of the poor, the same materials produce a greater result, or, in other words, there is less waste if they are prepared for use in large masses than in small portions. Two hundred persons may be well warmed by one-tenth of the fuel that would be required

to feed fifty separate miserable fires; half an ounce of tea is scarcely enough for one person; a pound would afford breakfast for 100 persons. The out-doors' pauper purchases everything in the smallest quantities, and, consequently, at the highest prices, and applies all that he purchases in the mode in which the least result is obtained in proportion to the materials consumed. The subsistence of the in-doors' pauper is purchased on the most advantageous terms, and applied in the most productive mode. It is obvious, therefore, that, even if the *same* amount of money is expended in the subsistence of each, the maintenance of the out-doors' pauper must be inferior in quantity or in quality, or in both, to that of the in-doors' pauper. But the in-doors' pauper is supposed to receive only the subsistence necessary to keep him in full health and strength: the popular outcry assumes that he receives even less. If, then, the maintenance of the out-doors' pauper and his family is to cost less than that of the in-doors' paupers, if he and his family are to be supported by *less* money *worse* applied, the saving to the parish must be obtained at the sacrifice of the health and strength of the applicant, or, as would generally be the case, of the health and strength of his wife and children.

We will assume, however, that this cruel saving is made, and that the workhouse is more expensive per head than parish employment. We will assume that the former costs 3*s.* a-head and the latter 2*s.*; and it will be seen that, even on that assumption, parish employment is, except in a very few cases, by far the more costly.

It is scarcely necessary to remind the reader of the well-known principle, that if relief be afforded on terms which do not render it less eligible than independent labour, the demand for it will increase, while there is a particle of property left to appease it. The workhouse does impose such conditions: though it supply all that is wanting to health, more abundantly than the cottage, its restrictions are intolerable to the undisciplined minds and vicious habits which generally characterize paupers. The workhouse, therefore, protects the parish from the burthen of those who would demand relief, if they could have it at their own homes, and on their own terms, but will rather submit to be diligent and honest, or to seek work by removing from a place where they are not wanted, to one where they are, than undergo a life of monotonous regularity.

It has been attempted to render parish employment also less eligible than independent labour, by three different expedients:

First, By making it more severe.

Secondly, By letting it be worse paid.

Thirdly, By rendering it degrading.

We will first consider the possibility of making parish work more severe than that of the independent labourer. The difficulties are obvious. There are only two modes of forcing a man to endure severe labour,—hope and fear. Strictly speaking, indeed, there is but one,—hope; for fear, though it may force great temporary exertion, has never been found a stimulus sufficient to produce the steady continued toil, which is

the natural result of the hope of a proportionate reward. No slave can be lashed into the habitual industry of an average free labourer. But a pauper is withdrawn from the influence of both hope and fear. More than a bare subsistence he cannot legally receive, and to a bare subsistence he is legally entitled. Instead of being more severe, therefore, the labour that can be enforced from him is almost always less severe than that which he endured when independent.

We have already remarked, however, that, with respect to a portion of the population of a town, parish work may be made, if not more severe, more disagreeable than that undergone by the independent artizan. This explains the success, so far as it has been successful, of the stone-yard system. The labour of breaking stones exercises a set of muscles different from those which the artizan has been accustomed to employ; and he loses the advantage of his peculiar skill. Next to a workhouse, it is the best test of the real destitution, or, in other words, of the real claim of the applicant, that has been discovered. But it is a very imperfect test. If the work be done not by the piece, but by the day, it becomes nominal. The pauper may be kept in the yard, but he daudles away the time without real exertion. To prevent this, the usual expedient is to require him to work by the piece. But of course the quantity required to be done, as the condition for relief, must be proportioned to the powers not of the strongest, but of the weakest applicant in each class. To the majority it is therefore easy. We have before us, a copy of the evidence taken in April, 1834, by

Lord Kenyon and a committee of the parochial authorities in Marylebone, as to the recommendations of the Poor Law Inquiry Commissioners.

Mr. Barker, the superintendent of the yard, says that of those who have recourse to stone-breaking, a large proportion are persons who have given themselves up to be paupers, and would suffer anything rather than go to regular labour or be confined. “Stone-breaking,” he adds, “is by the piece; and if they like to work a quarter of a day they can, and if they like to work till 12 o’clock a-day, they may stop away that time on the next day: *this is more pleasure to them than working constantly.*”—p. 37.

As parish employment then cannot be rendered less eligible than independent labour by being more severe, we come to the next expedient, that of letting it be worse paid.

As respects the unmarried, this is practicable, but not where there is a family. The ordinary wages of labour in a pauperized district are perhaps lower than public feeling would allow to be given for the use of a family, if the father were required to work exclusively for the public. They are certainly as low. 2s. per head, or 10s. a week for five persons, is the least that the parish could give: it is as high as the average wages of the south of England. 3s. a-week, or even 2s. 6d., would perhaps be barely enough for a single man, and 5s. for a husband without children; but the result of this plan is the necessity of paying different wages for equal labour. The wages are proportioned not to the services but to the wants of the recipient.

A man with a wife and eight children receives from the parish, as the wages of a week's work, 20*s.*; an unmarried man, for the same work, has 3*s.* One has nearly seven times as much for equal work as the other. It is easy to conceive how much fierce discontent this must occasion.

The last expedient, that of making parish employment merely a loss of time and degradation, has been adopted as a mode of repression, free from all these inconveniences.

It saves the expense of materials and tools, and, what is much more, of superintendence; it prevents the pauper from seeking elsewhere for employment or amusement when his task-work has been performed, and it avoids the apparent injustice of unequal payment for equal work.

To this plan belong the expedients of keeping the paupers standing all day in the parish pound, or imprisoned in a gravel pit, or making them walk up and down the village green, or sit in a fixed spot, or sending them on useless messages, or to mend roads which require no mending,—in short the petty vexations which, until the fearful warning of 1830, the overseers ventured to inflict. In a sound state of society, where the persons relieved by the public constitute a small minority, these degradations may render their situation less attractive than independence: but in a country where pauperism has prevailed so long and so extensively as in England, in which, throughout whole districts, it has become the *status* of the majority, all feeling of degradation vanishes; or, if felt, is over-

balanced by the absence of toil and of care. There were no parishes in which the number of able-bodied paupers was larger than those in which attempts like these were made to keep it down. As Mr. Darby's proposal, however, does not directly contemplate these abominations, though we have no doubt that it would in time create them, we will not allude to them further.

The result of this analysis is, that the substitution of parish employment for the workhouse, as a mode of relieving the able-bodied, is not for the benefit of the rate-payer, since, every mode of rendering it less eligible than independent labour having failed, it increases the number of those to whom relief must be extended.

But though worse for the rate-payers, Mr. Darby may perhaps think his scheme better for the labourers. This, however, is disproved by the previous reasonings, which show that, as parish employment is less severe than independent labour, as it can seldom be worse paid, and as it has ceased to be felt as a degradation, it must always be attractive to a large portion of the uneducated classes, therefore must always have a tendency to create, or to prolong the wants which it relieves. Mr. Darby cannot believe that pauperism is favourable to the morality or to the happiness of the pauper or of his family. And as he must admit, unless he can refute our arguments, that parish employment is productive of pauperism, he must admit that it is productive of demoralization and wretchedness.

But, in fact, parish employment is mischievous not

only by increasing the number of paupers, but by aggravating their misery and degradation.

Under the roundsman and the labour-rate system, the pauper is employed in productive labour. He knows that he is set to work, not for the purpose of teasing him, but because his services, though they may not be worth his pay, are still of some value. He may not feel for his employer the respect and attachment that exist between a master and a labourer when the connexion is voluntary; but he does not hate him as his persecutor. The same may be said of the remaining mode of out-door relief, the allowance-system, even in its most demoralizing form, where the earnings are made up to a given and uniform amount. In its more usual form, when no inquiry is made respecting wages, but a weekly pension is given for each child beyond a certain number, neither the industry nor the conduct of the labourer are necessarily impaired. Such a system must indeed in time ruin the rate-payers; but the chief evils which it inflicts on the rate-receivers arise from the temptation which it holds out to early and improvident marriage.

But a man sentenced to parish employment knows that his work is valueless. He knows that it is imposed on him for the mere purpose of giving him pain. "Do you do the road no good?" said Mr. Hall to a parish gang apparently employed on the roads of an Oxfordshire parish. "Not a morsel, sir; we rather do it harm." "Then what are you put here for?" "Oh, "we know the overseer puts us here only to suffer

"[punish] us. I have often told him he had better
"give us our money for nothing."*

What ideas is the man thus treated likely to associate with the idea of work? With what feelings is he likely to regard the task-master who employs him only to give him pain? What habits of diligence is he likely to form when set to perform tasks which he knows to be useless? What self-respect can he retain when he is looked upon as an incumbrance, supported only because he has a legal claim? Even the best conducted labourers would be spoiled by such treatment: but among the able-bodied paupers are always found the worst characters of the parish; the men whom their indolence, or dishonesty, or intemperance excludes from the employment of individuals. Such admixtures have always a tendency to reduce the whole body to one level: not by raising the bad, but by sinking the good. It was from the roads and the gravel pit, from among men corrupted by idleness, profligacy, and bad company, soured by what sometimes was and always appeared to them injustice and even tyranny; taught by experience that their wages depended not on their industry, or skill, or good conduct, but on the arbitrary will of the overseer or the justice, that the instigators and perpetrators of the riots, outrages, and fires of 1830 and 1831 proceeded.

"The poor," says the answer from Wisborough Green Scenem, to the queries of the Commissioners of Inquiry, "when the agricultural riots commenced were

* 1 Annual Report, p. 212.

" not profitably employed, but were in great numbers
" placed on the roads and paid from the poor rates such
" wages as were barely sufficient to support nature :
" many strong able-bodied single men not receiving
" more than 6*d.* a day, man and wife 5*s.* or 6*s.* weekly ;
" with wife and one child 7*s.* weekly ; with wife and
" two children 8*s.* or 8*s. 6d.* weekly. They were
" placed on the roads or in stone pits in large compa-
" nies, to remain day after day and month after month
" comparatively idle, during which they were discussing
" means to obtain an advance of wages. Having as-
" sembled in large numbers, and thereby obtained such
" wages as they required, the farmers yielding through
" intimidation, they emboldened others to rise and as-
" semble in other districts for the same purpose."—App.
pt. 5. p. 534 *e.*

But it may be said that the workhouse is also a bad school for industry or morals; that the able-bodied pauper is there also subject to forced labour and corrupting society. This is perfectly true; and if adherence to in-door relief were to fill our workhouses with an able-bodied population; if it were to introduce into them one-half or one-quarter of the number of those whom the old system devoted to parish employment; or of those, who, if Mr. Darby's clause were adopted, would now be devoted to it, we should consider the Act as a failure. But the real merit of in-doors relief is, that its restrictions, though consistent with health and strength, are such as men who can earn an independent living will not submit to.

Regular hours, cleanliness, sobriety, and the absence of excitement, corporeal or intellectual, are intolerable to the classes from which able-bodied paupers are supplied.* If they enter the workhouse, it is only for a few hours or a few days. It must be added that even the workhouse, though unquestionably a most undesirable abode for such persons, is less mischievous than the gravel-pit. Some bad habits are impracticable there, and some good ones are enforced; and, as far as their children are concerned, there can be no doubt that they are better provided for in the workhouse school than they would be in the cottages of parish paupers.

The objections which we have stated to the principle of Mr. Darby's clause almost exempt us from the duty of considering its details. They are as impracticable and inconsistent as the principle is mischievous. The vestry of each parish is to direct the materials for parish work to be provided, "and also of what such materials shall consist." On the nature of the materials depends the nature of the work; the whole character, therefore, of the proposed employment is left to the caprices of as many vestries as there are parishes; to the caprices of 15,000 independent, irresponsible and fluctuating authorities. The administration of relief to the able-bodied will differ even in adjoining parishes of the same Union; and in proportion to the discrepancies will be the intensity of discontent among those who will think themselves harshly or unfairly

* Etwas fürchten und hoffen und sorgen
Muss der Mensch vor dem kommenden Morgen,
Dass er die Schwere des Daseyns ertrage,
Und das ermüdende Gleichmass der Tage.

treated. But although each parish is bound to provide materials, the guardians are to decide in each particular case whether they shall be made use of, or not. What a foundation is here laid for collision between the guardians and the vestries, between the central and the subordinate authority ! How constantly will the election of guardians be decided, not by their fitness for the office, but by their adherence to the opinions of the vestry, or to those of a party in the vestry ! Again, each parish is to bear the expense of superintending the labourers, whom it is directed by the guardians to employ, but the nature and regulations of the superintendence are to be fixed by the guardians. Now the expense of superintendence depends not so much on the number of persons subjected to it as on its strictness. The expense of strict superintendence will be intolerable to small parishes. Are they to be allowed to make it cheap and therefore nominal ? to place it, for instance, in the hands of a pauper, or leave it to the unpaid overseer ?

Again, the pauper is to be paid for his work "in proportion to the quantity of work performed by him." Are single men, and men with families, to be paid at the same rate ? If so, the families will be starved, or the single men receive, not from a voluntary employer, but from the parish, not as wages, the result of a contract, but as relief, enforced by law, three or four times as much as is necessary for their subsistence. This would exceed all eleemosynary profusion on record. If they are not paid at the same rate, men will work side by side, one receiving three times or four times as much

for the apparent price of the same exertion as the other.

Again, is the quantity of work exacted from each to be uniform? In that case, the stronger men, as soon as they have finished their task, must be at liberty to spend the remainder of the day, or the remainder of the week, in idleness, or poaching, or crime, or be imprisoned in idleness, in the place of employment. If it is not to be uniform, how will it be possible to decide, with an approach to accuracy, or even to apparent fairness, on the task to be imposed on each individual? And what bitter animosity will every apparent unfairness occasion? We trust that, if Mr. Darby should carry his clause, he will add to it a large provision for additional local police. Proposing as he does to reproduce the causes of the events of 1830, he must be prepared to meet their consequences. But without dwelling longer on the details of Mr. Darby's amendment, we will now dismiss it with the general remark, that it would be deeply injurious to all those for whose benefit it can be supposed to be intended; that it would be ruinous to the property, and to the tranquillity of the rate-payers, and to the industry and morals and happiness of the labourers.

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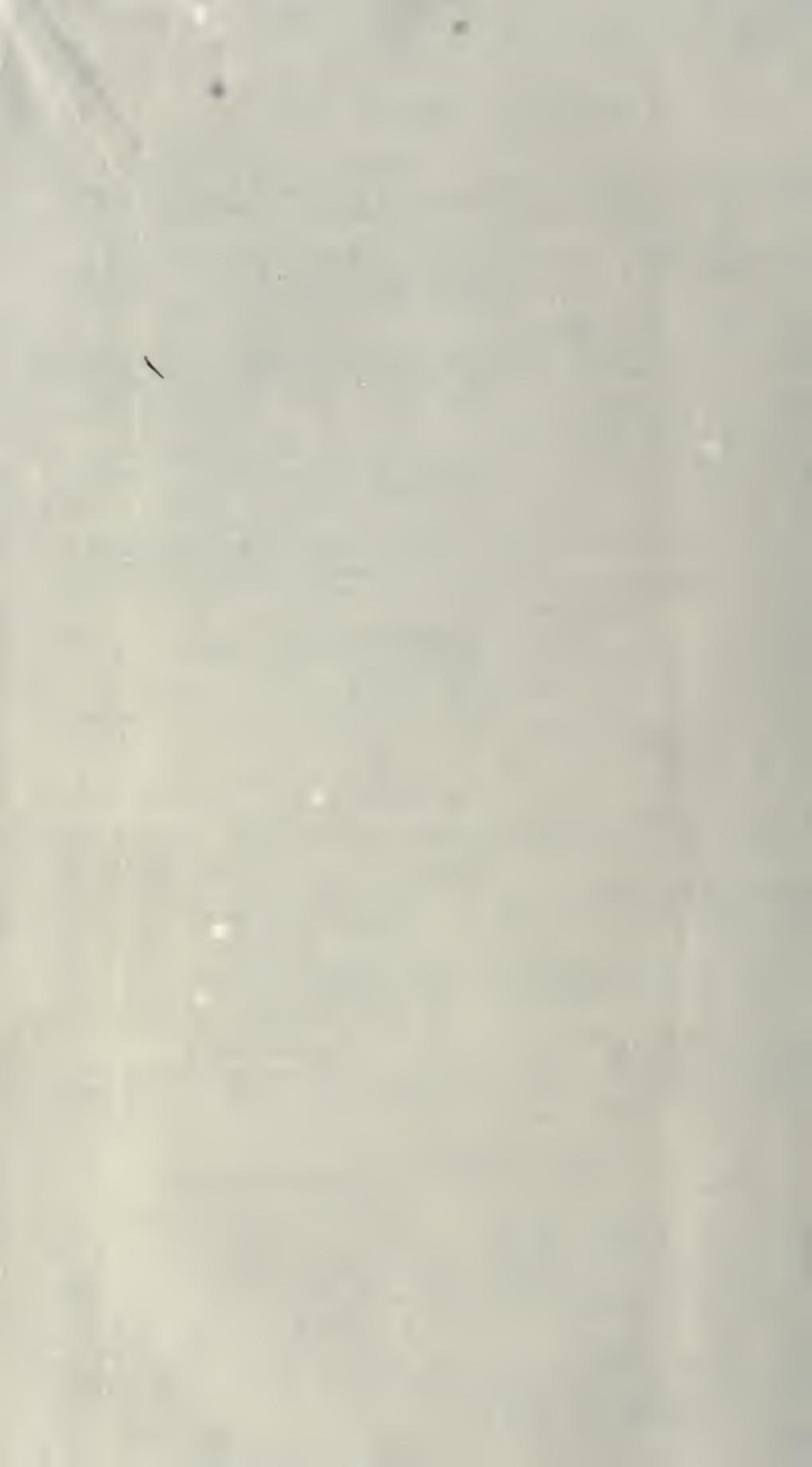
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